

Michael Graham

IN THE UNITED STATE DISTRICT COURT  
NORTHERN DISTRICT OF OHIO,  
EASTERN DIVISION

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MICHAEL GRAHAM,

Plaintiff,

vs. Case No. 1:06CV2091

BEST BUY STORES, L.P., et al.,

Defendants.

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Deposition of  
MICHAEL GRAHAM

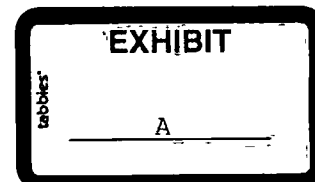
February 28, 2007

12:16 p.m.

Taken at:

Vorys, Sater, Seymour and Pease, LLP  
1375 East Ninth Street, Suite 2100  
Cleveland, Ohio

Todd L. Persson, Notary Public



Michael Graham

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## 1 APPEARANCES:

2  
3 On behalf of the Plaintiff:4 Schuster & Simmons Co., LPA, by  
5 KAMI D. ROWLES, ESQ.6 The Bevelin House  
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12 On behalf of the Defendant:13 Vorys, Sater, Seymour and Pease,  
14 LLP, by

15 MATTHEW D. BESSER, ESQ.

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1 MICHAEL GRAHAM, of lawful age, called for  
2 examination, as provided by the Federal Rules  
3 of Civil Procedure, being by me first duly  
4 sworn, as hereinafter certified, deposed and  
5 said as follows:6 EXAMINATION OF MICHAEL GRAHAM  
7 BY MR. CAMPBELL:8 Q. If you could, just state your name  
9 for the record and spell it, just so we have  
10 it. 12:16:0311 A. Michael. M-i-c-h-a-e-l, L. Graham,  
12 G-r-a-h-a-m. That's the Second.13 Q. And just to -- I briefly introduced  
14 myself before. I'm David Campbell. Matt  
15 Besser is going to be here shortly. And we are 12:16:20  
16 attorneys here with the Vorys Sater law firm.  
17 We represent your former employer, Best Buy, in  
18 this lawsuit. And I'm here to ask you  
19 questions about the lawsuit that your counsel  
20 filed on your behalf against Best Buy. Are you 12:16:33  
21 aware of that lawsuit?

22 A. Yes.

23 Q. When I say "Best Buy", I know  
24 there's some different technical legal names.  
25 But when I say "Best Buy", I'm going to be 12:16:42

Page 3

## 1 I N D E X

2  
3 EXAMINATION OF 4 6  
4 MICHAEL GRAHAM  
5 BY MR. CAMPBELL6  
7  
8 Exhibit I was marked 164 25  
9

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1 referring to the. I think you were employed at  
2 the Macedonia store? Do you understand that?

3 A. Yes.

4 Q. Is that where you were employed?

5 A. Yes. 12:16:53

6 Q. When I say "Best Buy", I'll tell  
7 you if there's a specific store or if I'm  
8 talking about headquarters or the locations.  
9 Do you understand that?

10 A. Okay. 12:17:01

11 Q. Otherwise when I say "Best Buy",  
12 I'm talking about your former employer, when  
13 you were employed at that Macedonia store.

14 A. Okay.

15 Q. And I'm sure you've heard from your 12:17:10  
16 counsel some of the ins and out and dos and  
17 don'ts of a deposition. Let me just tell you  
18 the basic ground rules that I'll be working  
19 from so you understand.20 First and foremost, just to help 12:17:18  
21 with the court reporter, if you could speak up  
22 and just answer affirmatively versus -- say yes  
23 or no. I know what your answer is, but the  
24 court reporter can only take it down if you're  
25 saying yes with that. So do you understand 12:17:31

<p style="text-align: right;">Page 22</p> <p>1 Q. Was it less than \$5,000?</p> <p>2 A. Honestly, I couldn't answer that</p> <p>3 question truthfully without looking.</p> <p>4 Q. So we'd have to look at the W2s to</p> <p>5 see where you were at? 12:34:19</p> <p>6 A. That is correct.</p> <p>7 Q. But your straight salary at Comp</p> <p>8 USA is \$4,000 more than at Best Buy?</p> <p>9 A. That is correct.</p> <p>10 Q. Okay. Have you ever filed any 12:34:32</p> <p>11 other lawsuits against any current or former</p> <p>12 employers, aside from the one we're here today</p> <p>13 about?</p> <p>14 A. No, sir.</p> <p>15 Q. I know you filed a charge of 12:34:41</p> <p>16 discrimination in this matter with the EEOC and</p> <p>17 the OCRC. Are you familiar with those two</p> <p>18 organizations?</p> <p>19 A. Yes, sir.</p> <p>20 Q. Have you ever filed any other 12:34:51</p> <p>21 charges of discrimination against any other</p> <p>22 current or former employers?</p> <p>23 A. In Indiana working with Best Buy I</p> <p>24 had filed a discrimination, the EEOC.</p> <p>25 Q. Any others? 12:35:03</p>	<p style="text-align: right;">Page 24</p> <p>1 then came back to West Palm Beach and was hired</p> <p>2 again?</p> <p>3 A. Yes, sir. That is correct.</p> <p>4 Q. So you left due to the birth of</p> <p>5 your son? 12:36:19</p> <p>6 A. That is correct.</p> <p>7 Q. Came back to West Palm Beach at a</p> <p>8 certain point, got hired again?</p> <p>9 A. Right.</p> <p>10 Q. How long did you stay the second 12:36:26</p> <p>11 time?</p> <p>12 A. The second time, I want to say it</p> <p>13 was -- I couldn't answer that truthfully.</p> <p>14 Q. Okay.</p> <p>15 A. I don't want to say approximately 12:36:44</p> <p>16 without giving you a definite answer.</p> <p>17 Q. You were only hired twice in West</p> <p>18 Palm Beach: first initially when you started</p> <p>19 with Best Buy and then --</p> <p>20 A. Then rehire. That is correct. 12:36:54</p> <p>21 Q. Why did you leave West Palm Beach</p> <p>22 Best Buy the second time?</p> <p>23 A. That was a promotion. That was a</p> <p>24 promotion. I went to Atlanta.</p> <p>25 Q. So a promotion and transfer to 12:37:06</p>
<p style="text-align: right;">Page 23</p> <p>1 A. No, sir.</p> <p>2 Q. And maybe it's a good time to just</p> <p>3 ask you in general, you were employed by Best</p> <p>4 Buy for I guess -- you had some breaks in</p> <p>5 service? 12:35:16</p> <p>6 A. Yes, sir.</p> <p>7 Q. When did you start with Best Buy?</p> <p>8 A. I started with Best Buy, that was</p> <p>9 in '97.</p> <p>10 Q. Okay. And what store were you in 12:35:25</p> <p>11 then?</p> <p>12 A. West Palm Beach, Florida.</p> <p>13 Q. And how long were you there.</p> <p>14 A. That I would actually have to look</p> <p>15 at previous pay stubs to be accurate. 12:35:43</p> <p>16 Q. Approximate. Approximate. A year,</p> <p>17 two years, three years?</p> <p>18 A. I would say over the course of a</p> <p>19 couple of years.</p> <p>20 Q. And why did you leave? 12:35:53</p> <p>21 A. I know the very first time that I</p> <p>22 left it was my son was born. I had a son that</p> <p>23 was born, that was in Texas. So I left Florida</p> <p>24 and went to Texas.</p> <p>25 Q. So you're saying you left once. 12:36:10</p>	<p style="text-align: right;">Page 25</p> <p>1 Atlanta?</p> <p>2 A. That is correct.</p> <p>3 Q. What position did you start with at</p> <p>4 Best Buy when you were first hired at West Palm</p> <p>5 Beach?</p> <p>6 A. Oh, part-time, what do they call</p> <p>7 it, product specialist.</p> <p>8 Q. So you were just an associate at</p> <p>9 that time?</p> <p>10 A. Yes. Product specialist was the 12:37:23</p> <p>11 term.</p> <p>12 Q. And did you hold that position</p> <p>13 until you were promoted and transferred out of</p> <p>14 West Palm Beach?</p> <p>15 A. No, sir. 12:37:33</p> <p>16 Q. What was your next position?</p> <p>17 A. I was the home audio senior.</p> <p>18 Q. Was that during your first tenure</p> <p>19 at West Palm Beach or your second?</p> <p>20 A. During my second. 12:37:46</p> <p>21 Q. So your first tenure you held just</p> <p>22 the part-time product specialist position?</p> <p>23 A. That's correct.</p> <p>24 Q. Second tenure, did you come back</p> <p>25 into the home audio senior position, or did you 12:37:56</p>

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<p style="text-align: right;">Page 26</p> <p>1 come back into the part-time production 2 specialist? 3 A. Came back into the part-time 4 product specialist. 5 Q. So you're promoted at some point 12:38:04 6 into that home audio senior position? 7 A. That is correct. 8 Q. And the next promotion moved you to 9 Atlanta? 10 A. That is correct. 12:38:12 11 Q. And what position did you hold in 12 Atlanta? 13 A. I was the computer supervisor. 14 Q. And how long were you there in 15 Atlanta? 12:38:28 16 A. I was in Atlanta -- oh, man, how 17 long was I there. That I would actually have 18 to probably look at W2s and a pay stub. 19 Q. Why did you leave Atlanta? 20 A. Why did I leave Atlanta. Where did 12:38:43 21 I go. I left Atlanta -- oh, me and my son's 22 mother was getting back together that was 23 staying in Texas, so I went back to Texas. 24 Q. Did you transfer to a Best Buy 25 store? 12:39:04</p>	<p style="text-align: right;">Page 28</p> <p>1 Buy. 2 Q. What location then? 3 A. I went to -- oh, okay. In Texas. I 4 had got a call, because I kept in touch with 5 folks. So I went, actually went back to 12:40:57 6 Atlanta, went back to Atlanta as a computer 7 supervisor. 8 Q. So Best Buy actually called you, 9 said, hey, if you're interested, come on back, 10 and you went back to Atlanta? 12:41:15 11 A. I went back there to Atlanta. 12 Q. And you took over your old computer 13 supervisor position? 14 A. That is correct. 15 Q. And I'm going to ask you about 12:41:24 16 that. In terms of these initial tenures with 17 Best Buy when you -- I take it that just in 18 Florida, you left one time in Florida, was that 19 a voluntary resignation, was that a 20 termination? 12:41:41 21 A. That was a voluntary. 22 Q. Okay. Voluntary resignation. And 23 from Atlanta, when you moved from Atlanta to 24 Texas when you left the second time, was that 25 voluntary, or how was that -- 12:41:52</p>
<p style="text-align: right;">Page 27</p> <p>1 A. No, sir. At that area, which is 2 Wichita Falls, Texas, there was no Best Buy. 3 Q. Did you work when you moved back to 4 Texas? 5 A. Yes, sir. 12:39:15 6 Q. Where did you work? 7 A. I worked for a Circuit City. 8 Q. And why did you leave Circuit City? 9 A. I left Circuit City for a better 10 paying job. I also worked at a -- I can't 12:39:33 11 remember the name -- like a Citgo Gas Station 12 in Texas. 13 Q. Okay. 14 A. Wichita Falls, Texas. 15 Q. Okay. And where did you go after 12:39:48 16 Citgo? 17 A. After Citgo -- what was I doing -- 18 MS. ROWLES: Don't think out loud. 19 Just think to yourself. 20 Q. Do you know or not? 12:40:22 21 A. I'm not too sure. At this time I 22 couldn't tell you. 23 Q. Okay. And did you go back to Best 24 Buy after Citgo, or at some point you did? 25 A. Yeah. At some point I went to Best 12:40:36</p>	<p style="text-align: right;">Page 29</p> <p>1 A. That was a voluntary when I first 2 left Atlanta. 3 Q. Okay. Then you come back to 4 Atlanta again as a computer supervisor. Same 5 store in Atlanta as you were at? 12:41:59 6 A. Same exact store. 7 Q. Who was your general manager there? 8 A. Gosh. 9 Q. Let me ask you this way. Was it 10 anybody from the, when you were in Ohio, and 12:42:12 11 we'll get to Ohio -- 12 A. No. Nobody from Ohio. 13 Q. So you didn't have any relationship 14 with any of the district managers or store 15 managers in Ohio in Atlanta? 12:42:24 16 A. In Atlanta, no. 17 Q. Okay. So you go back to Atlanta. 18 How long do you stay your second tenure in 19 Atlanta? 20 A. Okay. And then from Atlanta, I was 12:42:32 21 a computer supervisor, from Atlanta I 22 transferred to Oklahoma City. 23 Q. Okay. Was that a transfer, or was 24 that a resignation and rehire? 25 A. Well, it was a transfer. It was 12:42:50</p>

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<p style="text-align: right;">Page 30</p> <p>1 just a transfer.</p> <p>2 Q. Just so I'm clear on the hiring,</p> <p>3 you were hired twice by Best Buy in Florida?</p> <p>4 A. Right. Twice in Florida.</p> <p>5 Q. And once in Atlanta? 12:43:01</p> <p>6 A. And then once in Atlanta. That is</p> <p>7 correct.</p> <p>8 Q. So you were hired three times. You</p> <p>9 go to Oklahoma City. Now, I see from our</p> <p>10 records, it looks as if you were, it was 12:43:08</p> <p>11 September 1997 when you started in Oklahoma</p> <p>12 City?</p> <p>13 A. September of 1997?</p> <p>14 Q. Yes.</p> <p>15 A. No. That's wrong. 12:43:18</p> <p>16 Q. How do you know that's wrong?</p> <p>17 A. Because I was in Florida in '97.</p> <p>18 Q. Okay. How old is your son?</p> <p>19 A. My son right now is nine.</p> <p>20 Q. Why did you go to Oklahoma City, 12:43:35</p> <p>21 because of Best Buy or because of your family?</p> <p>22 A. Because of my family.</p> <p>23 Q. So it was near their Texas home?</p> <p>24 A. No, sir. I had actually met a</p> <p>25 woman during the times that I went to Texas. 12:43:48</p>	<p style="text-align: right;">Page 32</p> <p>1 that you were rehired in Oklahoma City. So you</p> <p>2 were actually hired in Oklahoma City after</p> <p>3 being let go for job abandonment. Do you</p> <p>4 recall that?</p> <p>5 A. I was never terminated in the 12:45:03</p> <p>6 Oklahoma City store.</p> <p>7 Q. So you believe you were employed</p> <p>8 throughout your tenure in Oklahoma City without</p> <p>9 any break in service?</p> <p>10 A. I am positive that I was employed 12:45:11</p> <p>11 at the Oklahoma City store.</p> <p>12 Q. Who was your general manager in</p> <p>13 Oklahoma City?</p> <p>14 A. I can't remember his name, because</p> <p>15 we kept getting general managers. But my 12:45:19</p> <p>16 immediate manager, sales manager was Heidi</p> <p>17 House.</p> <p>18 Q. How do you spell House?</p> <p>19 A. Like H-o-u-s-e.</p> <p>20 Q. So you remained at Oklahoma City, 12:45:32</p> <p>21 and then you transferred to Castleton, Indiana?</p> <p>22 A. Now, that is correct.</p> <p>23 Q. And was this your request, or was</p> <p>24 this --</p> <p>25 A. This was Best Buy calling me. 12:45:45</p>
<p style="text-align: right;">Page 31</p> <p>1 and --</p> <p>2 Q. Okay.</p> <p>3 A. -- she was in Oklahoma City.</p> <p>4 Q. Is she your current girlfriend or</p> <p>5 someone else? 12:43:57</p> <p>6 A. This is somebody else.</p> <p>7 Q. So you went to Oklahoma City. What</p> <p>8 position did you hold in Oklahoma City?</p> <p>9 A. I had to go to the computer senior.</p> <p>10 I was a computer senior, instead of a 12:44:06</p> <p>11 supervisor.</p> <p>12 Q. And that was a voluntary move down</p> <p>13 like you've done from Detroit to Cincinnati?</p> <p>14 A. Exactly.</p> <p>15 Q. Okay. So you moved into the 12:44:14</p> <p>16 computer senior role. How long were you in</p> <p>17 Oklahoma City with Best Buy?</p> <p>18 A. I was with them for I'd say maybe a</p> <p>19 year.</p> <p>20 Q. Okay. Now, from the records, it 12:44:32</p> <p>21 shows that you were let go once in Oklahoma</p> <p>22 City for job abandonment. Do you recall that?</p> <p>23 A. No. Because I transferred from my</p> <p>24 Oklahoma City store to the Indianapolis store.</p> <p>25 Q. Okay. Well, the records do show 12:44:50</p>	<p style="text-align: right;">Page 33</p> <p>1 Q. Best Buy said we need somebody in</p> <p>2 Castleton, Indiana?</p> <p>3 A. Right.</p> <p>4 Q. Who called you?</p> <p>5 A. Christopher Riley. 12:45:52</p> <p>6 Q. Okay. And what did they need you</p> <p>7 to do in Castleton, Indiana?</p> <p>8 A. I was the computer supervisor.</p> <p>9 Q. Was the store just opening, or was</p> <p>10 this replacing someone? 12:46:06</p> <p>11 A. The store just already been</p> <p>12 running. The store wasn't doing well, so I was</p> <p>13 called to ask to come there.</p> <p>14 Q. Did you get any reimbursement of</p> <p>15 moving expenses, or anything like that? 12:46:22</p> <p>16 A. At that time, actually I got a</p> <p>17 relocation with Best Buy.</p> <p>18 Q. You got paid to relocate?</p> <p>19 A. Paid to relocate. That is correct.</p> <p>20 Q. So you moved to Castleton, Indiana. 12:46:33</p> <p>21 And our records show that it was in 2002 when</p> <p>22 you moved to Castleton, Indiana. And you were</p> <p>23 let go in January of 2003. Does that seem</p> <p>24 correct?</p> <p>25 A. Yeah. That's seems correct. 12:46:52</p>

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<p style="text-align: right;">Page 34</p> <p>1 Q. And from the records, Best Buy 2 framed your termination as being terminated for 3 unethical business practices. Do you recall 4 that? 5 A. No, sir. 12:47:06 6 Q. What do you understand -- I'm not 7 saying -- obviously you think that the 8 termination was improper, right? 9 A. That is correct. 10 Q. What I'm asking you is what did 12:47:16 11 they tell you was the reason why they were 12 terminating you? 13 A. I was told that there was customer 14 complaints, not necessarily on myself but 15 within the computer department. 12:47:30 16 Q. Okay. 17 A. And because I was the computer 18 supervisor, that I was overall responsible. 19 Q. Were there customer complaints? 20 A. I've never -- not to my knowledge, 12:47:41 21 no, sir. 22 Q. And you filed a charge of 23 discrimination? 24 A. That is correct. 25 Q. Who was your supervisor there? 12:47:50</p>	<p style="text-align: right;">Page 36</p> <p>1 A. That they basically couldn't find 2 anything with Best Buy being discriminative. 3 Q. Okay. Did you file a lawsuit? 4 A. No, sir. 5 Q. Why not? 12:49:10 6 A. I had filed Unemployment, was also 7 in the process of moving back to Oklahoma City. 8 A lawsuit never, you know, came across my mind. 9 Q. Okay. Why did you believe it was 10 race discrimination? 12:49:28 11 A. One, I was the only like black male 12 manager supervisor in that entire district. 13 And Christopher Riley, he's not of African 14 dissent, but he is a minority. And from what I 15 know, that the Castleton, Indiana store was a 12:49:47 16 bad store, underperforming store. Chris came 17 in with his people, brought his people in 18 there. We got it up and running. He's a young 19 guy. The district staff was older, white male 20 gender, and we could feel the tension between 12:50:03 21 him. He was actually suspended in that store. 22 And based upon the investigation of that store, 23 I was working at another store in Indiana, 24 which is the Washington Street, I was the one 25 that got let go, because they felt we were 12:50:19</p>
<p style="text-align: right;">Page 35</p> <p>1 A. At this time I cannot remember his 2 name. 3 Q. Did you ever, prior to working in 4 the Cleveland area with him, did you ever work 5 with Rankin? 12:48:11 6 A. Yes. I worked with Mark at the 7 Castleton location. 8 Q. What was Rankin's role there? 9 A. He was the operations manager. 10 Q. And at Best Buy, at the stores, 12:48:20 11 where does the operations manager fit in, what 12 level? 13 A. I would say they're number two in 14 the building. 15 Q. And was Mark involved, or was 12:48:32 16 Rankin involved in your discharge? 17 A. Involved in my discharge? 18 Q. Yes. 19 A. No. 20 Q. How do you know that? 12:48:40 21 A. Because he never sat down in any of 22 the conversations that we had. That was with a 23 district staff. 24 Q. What was the result of your charge 25 of discrimination? What resulted from that? 12:48:54</p>	<p style="text-align: right;">Page 37</p> <p>1 pressuring people to buy stuff, and that's why 2 we were doing so well. 3 Q. So Christopher Riley, what role did 4 he play? 5 A. He was a general manager. 12:50:29 6 Q. Of another store? 7 A. Of the Castleton store. 8 Q. The Castleton store? 9 A. They moved me from the Castleton 10 store to the East Washington Street store to 12:50:36 11 help that store that was underperforming. 12 Q. So initially Christopher Riley is 13 who you pointed to as encouraging you to 14 relocate to Castleton, Indiana? 15 A. That is correct. 12:50:48 16 Q. How did Christopher Riley get to 17 know you? 18 A. Christopher Riley, way back in 19 Florida, when I was part-time he was full-time. 20 Q. What minority is Christopher Riley? 12:50:58 21 A. I don't know what his -- I honestly 22 do not know what his dissent. I was thinking 23 Asian. Honestly, I don't know. 24 Q. Okay. Why would you say you don't 25 know, because he doesn't resemble an Asian, or 12:51:12</p>

10 (Pages 34 to 37)

<p style="text-align: right;">Page 50</p> <p>1 A. No. He didn't say anything to that 2 extent. 3 Q. So Nathan gives your number to Mark 4 Rankin? 5 A. That is correct. 13:01:42 6 Q. And Mark Rankin, is he a minority? 7 A. Mark Rankin, no. 8 Q. What, he's a white male? 9 A. A white male. 10 Q. So he gives the number to Mark 13:01:49 11 Rankin, Mark calls you up? 12 A. Yes. Calls me on the phone. 13 Q. And he essentially recruits you to 14 come to Cleveland? 15 A. Yes. Come to the Mayfield store. 13:02:01 16 Q. Were you paid to make that move, or 17 did you -- 18 A. No. Not at all. I moved on my 19 own. 20 Q. You moved on your own. You brought 13:02:07 21 your son? 22 A. Yes. Brought my son with me. 23 Q. And then you met your girlfriend in 24 the Cleveland area, your current girlfriend? 25 A. No. My current, current girlfriend 13:02:15</p>	<p style="text-align: right;">Page 52</p> <p>1 Ohio? 2 A. Right. It was more money, first of 3 all. 4 Q. More money than Blockbuster? 5 A. That is correct. 13:03:29 6 Q. And, obviously, I'm assuming that 7 even though you were terminated you didn't have 8 bad feelings about Best Buy? 9 MS. ROWLES: Objection. Go ahead. 10 A. I had trusted the people more than, 13:03:38 11 less I would say than Best Buy. 12 Q. Meaning Mark Rankin? 13 A. Yes. Like Mark Rankin. And I 14 worked with him before. He was a co-worker. 15 Q. And up to this point, up to the 13:03:55 16 point when Mark calls you and says, hey, how 17 about Ohio -- 18 A. Right. 19 Q. -- aside from the Castleton, 20 Indiana termination, had you had any other 13:04:04 21 problems or issues with Best Buy? 22 A. No. 23 Q. Okay. 24 A. Actually, no. 25 Q. And up to that point, did anybody 13:04:12</p>
<p style="text-align: right;">Page 51</p> <p>1 is somebody from way back home in Florida. 2 Q. Okay. When did you -- how old is 3 your daughter? 4 A. My daughter is one-and-a-half. 5 She'll be two on August 28th. 13:02:26 6 Q. When did your current girlfriend 7 start -- when did you start dating her again? 8 MS. ROWLES: Objection. Go ahead. 9 Q. As to this most current, do you 10 understand when I say dating -- 13:02:37 11 A. Right. It makes sense. This would 12 have been -- let's see. It would have been the 13 September of the year that I had came back to 14 Best Buy. 15 Q. So you came back to Cleveland Best 13:02:55 16 Buy? 17 A. At the Mayfield store. 18 Q. Was she living in Ohio, or how did 19 you make that connection again? 20 A. Just kept in touch, talking to her. 13:03:06 21 things like that. Then she came on out. That 22 was September. 23 Q. Okay. So Mark called you, and you 24 were willing to pick up roots in Oklahoma City, 25 pay your own way, and moved up to Cleveland. 13:03:21</p>	<p style="text-align: right;">Page 53</p> <p>1 at Best Buy -- and when I say up to that point, 2 when Mark Rankin's calling you, you're in 3 Oklahoma City with your son? 4 A. Right. 5 Q. At that point, had anybody from 13:04:19 6 Best Buy, an employee, ever made any race based 7 comments to you? 8 A. Say that one more time. 9 Q. Well, when Mark is calling and you 10 you're making the decision whether to return to 13:04:31 11 Best Buy, and not only return to Best Buy but 12 move to Ohio, had -- you know, I'm not asking 13 you about what happened after that. We'll get 14 to that. Up to that point in time you've been 15 employed in West Palm Beach, Atlanta, Oklahoma 13:04:44 16 City, and Indiana Best Buy stores, right? 17 A. Right. 18 Q. Had anybody during Atlanta, West 19 Palm Beach, Oklahoma City or the Indiana stores 20 ever made any race based comments to you? 13:04:58 21 A. Made a race comment to me? 22 Q. Yeah. Like a slur, like anything 23 that was other than a joke that you took as 24 offensive. 25 A. There was nothing that I took 13:05:10</p>

14 (Pages 50 to 53)



<p style="text-align: right;">Page 54</p> <p>1 offense of, no. But there was jokes made at 2 Castleton, at the Castleton store. 3 Q. The Castleton store you believe 4 there was jokes made, and somewhat 5 inappropriate? 13:05:24 6 A. Yes. We're off -- off the premises 7 of a Best Buy, a fellowshipping with other 8 managers, yeah. 9 Q. Did Mark Rankin ever make any of 10 those jokes? 13:05:35 11 A. Yes. 12 Q. He did? 13 A. Yes. 14 Q. Okay. But you nonetheless trusted 15 Mark enough to accept employment with him in 13:05:42 16 Ohio? 17 A. That is correct. 18 Q. How many jokes had Mark made? 19 A. I honestly couldn't sit here and 20 tell you how many, at this time, how many jokes 13:05:51 21 that he made. 22 Q. Okay. 23 A. And I will say it was, the jokes 24 that was presented, again, it was off the 25 clock, off the time. It was nothing that 13:05:59</p>	<p style="text-align: right;">Page 56</p> <p>1 Q. Only a few days? 2 A. Yes. Just a few days. 3 Q. So was Mark married at the time? 4 A. Yes. He was married. 5 Q. So was it him and his wife, and do 13:06:59 6 they have any kids? 7 A. It was him, his wife, his daughter 8 and his son. He had a son, too. 9 Q. Where were they on vacation? 10 A. Oh, I cannot even remember. 13:07:09 11 Q. Were they driving back through 12 Oklahoma City? 13 A. No. They were driving back from 14 somewhere back to, back to Akron. They were 15 coming up from somewhere. I had met him coming 13:07:20 16 from Oklahoma City to find my way to where he 17 was at. 18 Q. Okay. So you guys had planned to 19 meet somewhere in the middle, and you'd follow 20 him the rest of the way? 13:07:32 21 A. No. Didn't even plan. It was 22 pretty much while I'm driving, he's calling 23 saying, hey, I'm coming back from vacation. 24 I'm like, hey, I'm at such and such a place. 25 I'm very close by there, whatnot, you know. 13:07:43</p>
<p style="text-align: right;">Page 55</p> <p>1 offended me in any way, no. 2 Q. So they didn't offend you, they 3 were just jokes? 4 A. Right. That is correct. 5 Q. Were the two of you just joking in 13:06:07 6 general how people can make, you made a joke 7 about Mark -- 8 A. About something, yeah. And 9 everybody laughs. 10 Q. So it was just essentially nobody 13:06:16 11 was offended, it was truly joking between two 12 people, but there was some race involved? 13 A. Not joking between two people. It 14 was just a person like telling a joke or 15 something, and then just everybody laughs. 13:06:29 16 Q. But you weren't offended by it? 17 A. I wasn't offended by it. That is 18 correct. 19 Q. Okay. So Mark calls you, you go up 20 to Cleveland. Did you actually live with Mark 13:06:39 21 for a certain period of time? 22 A. I stayed with Mark, because I 23 followed him -- actually, he was coming up from 24 vacation and I followed him home. So I was 25 there, stayed at his house for like a few days. 13:06:50</p>	<p style="text-align: right;">Page 57</p> <p>1 Actually, yeah, that's exactly how that 2 happened. He called me, and we kind of met up. 3 It was nothing that was like prearranged or 4 anything. 5 Q. Was it prearranged for you to stay 13:07:56 6 at his home for some time? 7 A. No, sir. 8 Q. So you came up, and instead of 9 getting a hotel or something like that, you 10 stayed at his house? 13:08:05 11 A. That is correct. 12 Q. After that had you ever stayed at 13 his house for any extended periods of time? 14 A. Oh, no, sir. 15 Q. So it was just that. Was your son 13:08:11 16 with you? 17 A. Yes. My son was with me for a 18 short time. He was there for the first couple 19 of days. But for that time, I had sent my son 20 to Atlanta to my dad's. 13:08:24 21 Q. So you start in what store in the 22 Cleveland area? 23 A. I start in the Mayfield. 24 Q. Okay. And what position did you 25 hold in Mayfield? 13:08:34</p>

15 (Pages 54 to 57)



<p style="text-align: right;">Page 58</p> <p>1 A. I was the tech senior.</p> <p>2 Q. And was this -- I think from our</p> <p>3 discussion, this would be the fourth time,</p> <p>4 based on your recollection, that Best Buy hired</p> <p>5 you? I have two in Florida, one in Atlanta, 13:08:47</p> <p>6 one in Ohio.</p> <p>7 A. That is correct.</p> <p>8 Q. And you said that the Oklahoma City</p> <p>9 was a transfer, and you remained employed all</p> <p>10 the way to Castleton, Indiana? 13:09:01</p> <p>11 A. Right. I got transferred from</p> <p>12 Oklahoma City. That's how I was able to get a</p> <p>13 relocation, because I was an employee there.</p> <p>14 Q. Okay. And so hired, you've been</p> <p>15 hired in total four times by Best Buy? 13:09:09</p> <p>16 A. That is correct.</p> <p>17 Q. Okay. And so you come as a tech</p> <p>18 senior at Mayfield. What was Mark Rankin's</p> <p>19 position?</p> <p>20 A. He was the sales manager. 13:09:19</p> <p>21 Q. Did you report to Mark at that</p> <p>22 time?</p> <p>23 A. Yes. He was my immediate boss.</p> <p>24 Q. How long did you stay at the</p> <p>25 Mayfield store? 13:09:31</p>	<p style="text-align: right;">Page 60</p> <p>1 Q. Okay. And so Mark Rankin and the</p> <p>2 store in Mayfield promote you to the PC area</p> <p>3 manager position?</p> <p>4 A. Mark Rankin.</p> <p>5 Q. Mark Rankin? 13:10:57</p> <p>6 A. Right.</p> <p>7 Q. Why do you say it's just Mark</p> <p>8 Rankin?</p> <p>9 A. He was the only one that was</p> <p>10 sitting in the interview. 13:11:03</p> <p>11 Q. Presumably he had to get the okay</p> <p>12 from somebody else, right?</p> <p>13 A. No.</p> <p>14 Q. You don't think he had to?</p> <p>15 A. No. 13:11:11</p> <p>16 Q. Okay. So Mark Rankin promotes you.</p> <p>17 And you change stores?</p> <p>18 A. That is correct.</p> <p>19 Q. Why?</p> <p>20 A. Well, because we was a brand new 13:11:21</p> <p>21 store, and it was time to start getting a lot</p> <p>22 of things done to get it open.</p> <p>23 Q. What was that, the new store that</p> <p>24 you transferred to?</p> <p>25 A. The new store that I transferred to 13:11:32</p>
<p style="text-align: right;">Page 59</p> <p>1 A. It wasn't very long. I want to say</p> <p>2 maybe a few months.</p> <p>3 Q. Okay. Were you promoted at all</p> <p>4 while you were there?</p> <p>5 A. Yes. I was promoted. 13:09:49</p> <p>6 Q. To what?</p> <p>7 A. To the PC area manager.</p> <p>8 Q. By Mark Rankin?</p> <p>9 A. Yes. By Mark Rankin.</p> <p>10 Q. Okay. So at this point you were 13:09:58</p> <p>11 promoted in Ohio. Did you receive any</p> <p>12 promotions while you were in Indiana?</p> <p>13 A. While I was in Indiana, no.</p> <p>14 Q. How many times do you recall being</p> <p>15 promoted by Best Buy? It seems like a number 13:10:12</p> <p>16 of times you were promoted during your</p> <p>17 employment.</p> <p>18 A. Not necessarily. I mean, I was</p> <p>19 part-time with the senior, so that's one</p> <p>20 promotion. Then being a senior to a 13:10:22</p> <p>21 supervisor, that's two. Coming in as a</p> <p>22 technician to a manager, that's three times.</p> <p>23 And four if you count when I had to go back</p> <p>24 down to a senior, then I went to Castleton,</p> <p>25 Indiana as a supervisor. 13:10:45</p>	<p style="text-align: right;">Page 61</p> <p>1 wasn't even built yet.</p> <p>2 Q. And that was in Macedonia?</p> <p>3 A. That's the Macedonia location.</p> <p>4 Q. And did Mark Rankin move with you?</p> <p>5 A. Yes. That was his store that he 13:11:41</p> <p>6 was taking over. He got a promotion.</p> <p>7 Q. What position did he hold in</p> <p>8 Macedonia?</p> <p>9 A. General manager.</p> <p>10 Q. So Mark is promoted. And then I'm 13:11:50</p> <p>11 assuming he comes to you and asks you to move</p> <p>12 to the Macedonia store?</p> <p>13 A. I was able to apply for the</p> <p>14 position to come to the Macedonia store.</p> <p>15 Q. Did he encourage you to come with 13:12:01</p> <p>16 him?</p> <p>17 A. No. That was something that I</p> <p>18 jumped onto myself.</p> <p>19 Q. And I'm assuming though he accepted</p> <p>20 the application and brought you on board? 13:12:10</p> <p>21 A. That is correct.</p> <p>22 Q. He made the decision to hire or</p> <p>23 fire you, or whether to transfer you?</p> <p>24 A. That is correct. He was the one</p> <p>25 that called the shots. 13:12:18</p>

16 (Pages 58 to 61)

<p style="text-align: right;">Page 66</p> <p>1 Q. Okay. How long were you, was this 2 team working out of a hotel to get the store 3 set up, approximately? 4 A. I would say maybe two, three 5 months. 13:16:16 6 Q. While the store is being built and 7 set up? 8 A. Built and things, yes, sir. 9 Q. Okay. When did the Macedonia store 10 open? When did you actually start working out 13:16:27 11 of the store? 12 A. Sometime -- I can't answer that 13 question, honestly. It would be the end of 14 October, beginning of November, somewhere 15 around that time. 13:16:46 16 Q. Of what year? 17 A. Of '04. 18 Q. And who did you report to in 19 Macedonia? Was it to Mark, or was there 20 somebody in between the two of you? 13:17:04 21 A. Yeah. We had somebody report to 22 us. That was the sales manager -- what's his 23 name. 24 Q. That was the individual you don't 25 know who it was? 13:17:14</p>	<p style="text-align: right;">Page 68</p> <p>1 Q. Did you have any -- when it's PC 2 area, what is that? Is that like the computer 3 department or what -- 4 A. Right. Computer and computer 5 services. 13:18:20 6 Q. Okay. Computer services as well. 7 What does that -- what's computer services? 8 A. Oh, that's like, you know, if your 9 computer is not functioning properly, you can 10 bring it in and receive services and things. 13:18:30 11 Q. Is that the Geek Squad, or is that 12 something separate? 13 A. Geek Squad. 14 Q. So the Geek Squad actually reported 15 to you? 13:18:38 16 A. That is correct. 17 Q. So the Geek Squad and the actual 18 sales floor reported to you in the computer 19 department? 20 A. That is correct. 13:18:44 21 Q. How many total employees reported 22 directly to you in Macedonia, approximately? 23 A. Approximately, I would say 20. 24 Q. During your employment with Best 25 Buy, prior to this you had been a supervisor 13:19:00</p>
<p style="text-align: right;">Page 67</p> <p>1 A. Right. I can't remember. I can't 2 think of his name right now. 3 Q. Did he stay there throughout your 4 employment? 5 A. Yes. He was there. 13:17:22 6 Q. Throughout the rest of your 7 employment? 8 A. That is correct. 9 Q. Did you have any problems with him? 10 A. No, sir. 13:17:27 11 Q. And so you reported to the sales 12 manager, who you don't know his name? 13 A. I can't remember his name at this 14 time. 15 Q. Okay. And then Mark Rankin. Those 13:17:33 16 were the two in the store that you reported to? 17 A. And Mark Rankin I also reported to. 18 Q. Okay. And did you hold the same 19 position throughout your employment at the 20 Macedonia store? 13:17:48 21 A. Yes, sir. 22 Q. What does a PC area manager do? 23 A. Overall, I oversee floor sales and 24 repair services, make sure sales goals are met, 25 hiring, firing, training. That's it. 13:18:03</p>	<p style="text-align: right;">Page 69</p> <p>1 prior to that, right? 2 A. That is correct. 3 Q. Had you ever supervised this many 4 employees during your tenure with Best Buy? 5 A. Yes, sir. 13:19:11 6 Q. Where at? 7 A. Atlanta. 8 Q. Okay. What was your position then? 9 A. I was just the PC supervisor. 10 Q. Similar role? 13:19:19 11 A. Similar role. That is correct. 12 That is correct. 13 Q. Okay. 14 MR. CAMPBELL: Why don't we take a 15 short break, about a five-minute break, and 13:19:27 16 then we'll pick up here. 17 MS. ROWLES: Sure. 18 (Thereupon, a recess was taken.) 19 Q. We left off, you had just moved 20 into the PC area manager role at the Macedonia 13:28:00 21 store. I want to ask you a little bit about 22 that. Did you actually hire the 20 people who 23 reported to you? 24 A. Yes. I did a majority of the 25 hiring. Of course, I've had partnerships with 13:28:19</p>

18 (Pages 66 to 69)

<p style="text-align: right;">Page 70</p> <p>1 my sales manager and with Mark.</p> <p>2 Q. But you were at least involved in</p> <p>3 the hiring of all the people you supervised?</p> <p>4 A. Of the interviewing, yes, sir. And</p> <p>5 there was a couple people that I didn't speak 13:28:31</p> <p>6 to specifically that, you know, Mark brought</p> <p>7 aboard. And it could have been due to the fact</p> <p>8 that maybe I was out of the building when they</p> <p>9 came in for the interviews or something.</p> <p>10 Q. Okay. And at the Macedonia store, 13:28:43</p> <p>11 let me just ask you about some of the -- and</p> <p>12 this is, I'm assuming the Macedonia store was.</p> <p>13 the policies and practices were consistent with</p> <p>14 other stores that you've worked at?</p> <p>15 A. Yes. 13:29:00</p> <p>16 Q. So tell me about the discount</p> <p>17 policies. Is there an employee discount at</p> <p>18 Best Buy?</p> <p>19 A. Yes. Employee discount. If you're</p> <p>20 an employee, you get a discount. 13:29:12</p> <p>21 Q. Is the amounts, or is the discount</p> <p>22 a percentage, or what is it?</p> <p>23 A. At Best Buy, different items was</p> <p>24 different. So I would say it was different</p> <p>25 percentages on different items. 13:29:25</p>	<p style="text-align: right;">Page 72</p> <p>1 Q. And the computer would tell you how</p> <p>2 much discount, it would just run through like</p> <p>3 any other purchase?</p> <p>4 A. It would do it automatically. That</p> <p>5 is correct. 13:30:27</p> <p>6 Q. So would it do it automatically if</p> <p>7 you went to another store as well?</p> <p>8 A. Yes. It's -- I believe they ask</p> <p>9 for like your employee number, they punch that</p> <p>10 in, and then the system will toggle to do the 13:30:37</p> <p>11 discount.</p> <p>12 Q. Okay. And let me just ask you, I</p> <p>13 had asked you about whether you had hired or</p> <p>14 were involved with the hiring of people you</p> <p>15 supervised. Nicholas Lacasio in the Geek 13:30:49</p> <p>16 Squad, did you hire him?</p> <p>17 A. Nick. I interviewed him.</p> <p>18 Everybody that was brought aboard for my team.</p> <p>19 Mark hired. We do what we call a third final</p> <p>20 interview. And that's the interview that, you 13:31:05</p> <p>21 know, if he feels they would be a good fit for</p> <p>22 the store, he'll bring them aboard. If not, he</p> <p>23 won't bring them aboard.</p> <p>24 Q. I thought you said you had some</p> <p>25 input. 13:31:17</p>
<p style="text-align: right;">Page 71</p> <p>1 Q. Okay.</p> <p>2 A. Because there wasn't no set this</p> <p>3 was what you get.</p> <p>4 Q. So it depends on what you're buying</p> <p>5 is dependent upon the discount? 13:29:32</p> <p>6 A. That is correct.</p> <p>7 Q. And is there a -- I guess, are</p> <p>8 there safeguards at Best Buy when you're -- I</p> <p>9 know some retailers as to employee discounts</p> <p>10 you have to have certain people ring up the 13:29:46</p> <p>11 purchase in order to verify there's no, I guess</p> <p>12 that there's no employee fraud. Are there any</p> <p>13 safeguards in place at Best Buy as to the</p> <p>14 purchases with the employee discounts?</p> <p>15 A. No. You're able to just take an 13:30:01</p> <p>16 item and go up there to the register.</p> <p>17 Q. Now, you were a supervisor. How</p> <p>18 about associates, if an associate --</p> <p>19 A. An associate could just go to the</p> <p>20 register. 13:30:13</p> <p>21 Q. Just go to the registers?</p> <p>22 A. Yes.</p> <p>23 Q. And I take it all, that the</p> <p>24 register was all computer --</p> <p>25 A. Computerized. 13:30:19</p>	<p style="text-align: right;">Page 73</p> <p>1 A. I had some input with the</p> <p>2 interviewing. But you asked me if I hired.</p> <p>3 Q. Okay. Did you approve or</p> <p>4 disapprove of Nicholas Lacasio as being hired?</p> <p>5 A. I agreed with every hire. 13:31:27</p> <p>6 Q. With every hire?</p> <p>7 A. Yes.</p> <p>8 Q. And you called him Nick. Did you</p> <p>9 know Nick well?</p> <p>10 A. I didn't know him well. He was 13:31:33</p> <p>11 just a guy that worked with me.</p> <p>12 Q. Did you have any problems with</p> <p>13 Nick?</p> <p>14 A. Nick, at the end for a minute Nick</p> <p>15 was -- there was a couple times I had to 13:31:47</p> <p>16 document him on occasion for performance and</p> <p>17 things like that. I had to document Nick. But</p> <p>18 overall, I mean, he was a good individual.</p> <p>19 Q. Okay. Andrew Degencro. Are you</p> <p>20 familiar with Andrew? 13:32:06</p> <p>21 A. Andrew Degencro -- Drew. Yes, sir.</p> <p>22 Q. Okay. Did you hire, were you</p> <p>23 involved in the decision to hire Drew?</p> <p>24 A. Actually, that was Mark Rankin</p> <p>25 brought him aboard. 13:32:17</p>

19 (Pages 70 to 73)

<p style="text-align: right;">Page 74</p> <p>1 Q. Did Drew report directly to you?</p> <p>2 A. Yes.</p> <p>3 Q. Did you have any problems with</p> <p>4 Drew?</p> <p>5 A. A little bit here and there. yes. 13:32:25</p> <p>6 sir.</p> <p>7 Q. Like what?</p> <p>8 A. I know like he had to get, like if</p> <p>9 I say -- I don't know, like a decision that I</p> <p>10 would make or something, he would want to go to 13:32:36</p> <p>11 Mark to get the final we can do that.</p> <p>12 Q. Okay. So it was a matter of him</p> <p>13 just not following your directions?</p> <p>14 A. Right. He was what I would call a</p> <p>15 gunslinger, I guess. I had a difficult time 13:32:48</p> <p>16 trying to get on the same wavelength and page</p> <p>17 with him. Because anything I asked him to do,</p> <p>18 he would go to Mark and, you know, double check</p> <p>19 or question any things that I do.</p> <p>20 Q. Did you have any other problems 13:33:01</p> <p>21 aside from that with Drew?</p> <p>22 A. Other than that, no. And I talked</p> <p>23 to him just numerous times as far as just</p> <p>24 dealing with people. He was actually kind of</p> <p>25 thrown into my department as a senior. He 13:33:18</p>	<p style="text-align: right;">Page 76</p> <p>1 Q. And Best Buy's written policies</p> <p>2 prohibit all forms of harassment?</p> <p>3 A. That is correct.</p> <p>4 Q. You're familiar with all those?</p> <p>5 A. I'm familiar, yes. 13:34:27</p> <p>6 Q. As a manager, you not only were</p> <p>7 familiar but you enforced those policies?</p> <p>8 A. That is correct.</p> <p>9 Q. If you would have seen one of your</p> <p>10 subordinates discriminating against somebody. 13:34:36</p> <p>11 you would have taken action?</p> <p>12 A. Yes, sir.</p> <p>13 Q. And you knew that there was a</p> <p>14 complaint procedure at Best Buy?</p> <p>15 A. I knew we had an open line policy. 13:34:42</p> <p>16 Q. What were the open lines?</p> <p>17 A. There was a number that you could</p> <p>18 call to report an incident.</p> <p>19 Q. Was that anonymous or not?</p> <p>20 A. Yes. You had the choice. 13:34:51</p> <p>21 Q. Okay. And I'm assuming you could</p> <p>22 go also, the open door, you could go out to</p> <p>23 Mark or somebody else to let them know there</p> <p>24 was an issue?</p> <p>25 A. To be honest with you, the calling 13:35:05</p>
<p style="text-align: right;">Page 75</p> <p>1 wasn't my original senior.</p> <p>2 Q. Okay.</p> <p>3 A. He was actually Wayne Jones' senior</p> <p>4 in home theater, and they brought him over to</p> <p>5 computers. It was just his way of talking to 13:33:29</p> <p>6 people. When it came to discipline and stuff,</p> <p>7 he came out rude and things like that, and I've</p> <p>8 had to have conversations with him about that.</p> <p>9 Q. Any other problems with Drew?</p> <p>10 A. None at this time, that I can 13:33:41</p> <p>11 remember.</p> <p>12 Q. Now, getting back to the discount.</p> <p>13 the discount is dependent upon what you're</p> <p>14 buying as an associate?</p> <p>15 A. Depends on the item, yes. That is 13:33:51</p> <p>16 correct.</p> <p>17 Q. Okay. And some of the other</p> <p>18 policies, I'm assuming that when you were</p> <p>19 hiring, that you and Mark Rankin, you hired</p> <p>20 with, you followed a no discrimination policy? 13:34:05</p> <p>21 A. I myself followed a no</p> <p>22 discrimination policy. That is correct.</p> <p>23 Q. And Best Buy's written policies are</p> <p>24 no discrimination, it's prohibited?</p> <p>25 A. That is correct. 13:34:19</p>	<p style="text-align: right;">Page 77</p> <p>1 the number -- I mean, granted they, people have</p> <p>2 open door policies, but if you're not</p> <p>3 comfortable with going to a person --</p> <p>4 Q. You can call the number?</p> <p>5 A. -- you would just call that number. 13:35:17</p> <p>6 Q. Okay. While you were at Mayfield,</p> <p>7 then, you know, we're talking about Mayfield,</p> <p>8 did you ever use the open line while at</p> <p>9 Mayfield?</p> <p>10 A. Used it at the Mayfield store, no. 13:35:29</p> <p>11 Q. Did you have any problems while you</p> <p>12 were at the Mayfield store?</p> <p>13 A. No, sir.</p> <p>14 Q. Okay. Then the Macedonia store,</p> <p>15 before your termination, before you were 13:35:42</p> <p>16 terminated, did you ever use the open line?</p> <p>17 A. Did I use the open line, no, sir.</p> <p>18 Q. Before termination?</p> <p>19 A. Before termination, no, sir.</p> <p>20 Q. Before you were terminated -- and I 13:35:54</p> <p>21 understand that obviously you think the</p> <p>22 termination is unlawful and unwarranted?</p> <p>23 A. Right.</p> <p>24 Q. Before you were terminated, did you</p> <p>25 have any problems at the Macedonia store? 13:36:02</p>

20 (Pages 74 to 77)

<p style="text-align: right;">Page 78</p> <p>1 A. Are you -- and just to be on the 2 same page with you, on termination, are you 3 talking about the day that I sat down and spoke 4 with Tim and Mark, or are you talking about the 5 actual termination, when my termination went 13:36:15 6 into effect? 7 Q. Just start first of all with before 8 they sat down. And I'm assuming they 9 questioned you about the incident? 10 A. Right. 13:36:24 11 Q. Before that day. Because obviously 12 you disagreed with that, right? 13 A. Right. 14 Q. Before that day, had you ever had 15 any problems at the Macedonia store? 13:36:30 16 A. Yes. 17 Q. Okay. What were those? 18 A. Wow. There's a number of them. 19 One, even with the hiring, Wayne Jones 20 interviewed an African male to be a senior in 13:36:46 21 his department. Mark Rankin was against it, 22 because he felt like -- with the conversation 23 that Mark had with that individual, he felt 24 like he. I guess, didn't have like the get up 25 and go type attitude, like somebody that was 13:37:06</p>	<p style="text-align: right;">Page 80</p> <p>1 good fight. 2 Q. But Mark told you that he didn't 3 think that he was a good fit, and he had 4 reasons aside from race? 5 A. He didn't say it was a good fit. 13:38:13 6 His excuse was -- even before going into that 7 interview with that gentleman, we had known of 8 an employee -- I had not met Drew at the time, 9 but he knew of somebody that was within the 10 company that wanted to transfer. And I can't 13:38:28 11 say for honestly, but I felt like Mark already 12 knew who he wanted to put in that particular 13 slot. 14 Q. The person who wanted a transfer? 15 A. That is correct. 13:38:41 16 Q. Why do you think that was race 17 though? I mean, it's one thing if I knew that 18 I wanted to bring someone in from internal and 19 they already have experience. That doesn't 20 necessarily correlate with race. 13:38:52 21 A. There's incidents that happened, 22 you know, even before that. 23 Q. Before that with who? 24 A. Just with Mark, things that I would 25 step back and -- when you asked me was I 13:39:02</p>
<p style="text-align: right;">Page 79</p> <p>1 going to be out there and be a go-getter on the 2 sales floor. So he wouldn't bring him aboard. 3 Instead he brought Drew. Two, there was 4 another African American -- 5 Q. Well, let's go through it. I don't 13:37:17 6 want to cut you off, but on that one, did you 7 think that Mark was not hiring him because of 8 his race, or did you just disagree with the 9 decision? 10 A. Wayne Jones -- I thought that it 13:37:24 11 was because of the race. Did not say nothing. 12 Wayne Jones also thought it was because of the 13 race and stuff. And we did not say anything. 14 Q. Okay. 15 A. And the African American guy was a 13:37:38 16 guy that was not working with Best Buy. And 17 Drew was. And Drew transferred in from another 18 location. But we just know that he brought in 19 Drew. Drew wasn't who Wayne wanted in the 20 first place. 13:37:54 21 Q. But so why did you guys think it 22 was race? 23 A. Because the guy was qualified. I 24 mean, I had talked to him, Wayne talked to him. 25 He seemed like a good fit. He appeared to be a 13:38:04</p>	<p style="text-align: right;">Page 81</p> <p>1 offended, things that I would be offended for. 2 Q. Well, we talked about, you said 3 that in Indiana there was some jokes that you 4 didn't find offensive? 5 A. That's correct. I'm talking about 13:39:13 6 during the time we were hiring and getting 7 ready for our store opening. 8 Q. So in Mayfield you didn't have any 9 issues with Mark? 10 A. In Mayfield I didn't have any 13:39:20 11 issues with Mark. 12 Q. When you're hiring you say that you 13 had some issues with Mark? 14 A. Yes, sir. 15 Q. This one interview. What other 13:39:26 16 incidents with Mark? 17 A. There was the incident -- well, my 18 girlfriend called me, and she was pregnant at 19 the time and was bleeding and stuff. I'm up 20 here at work. She called me, hey, I need you 13:39:40 21 to take me to the hospital and this and that. 22 And I said, okay, hey, I'm at work, let me talk 23 to Mark, let him know what's going on. So I go 24 over to Mark. Mark is aware that the young 25 lady is pregnant and everything as well. Said, 13:39:52</p>

21 (Pages 78 to 81)

<p style="text-align: right;">Page 82</p> <p>1 hey, she's -- I don't know if she's having a 2 miscarriage or whatever. I need to take her to 3 the hospital. or whatever. He snapped at me in 4 front of everybody. When I say everybody. all 5 the other managers, and even a few line level 13:40:05 6 staff. And his exact words was I didn't bring 7 you to Ohio to be a jiggi and impregnate 8 somebody, or whatever, and your 9 responsibilities is here, whatever. 10 I know that like with Todd. or even 13:40:19 11 with our sales manager, when they had issues. 12 that he would handle that behind closed doors. 13 But he handled mine like openly in front of 14 everybody. But the top of, the flip of that, 15 there was an incident with Todd Scaleric. which 13:40:34 16 is a white male, wanted to leave work just to 17 go close on his house. Mark was like, hey, 18 okay. fine, you know. 19 Q. Okay. But Mark let you leave? 20 A. No. I walked out. It wasn't -- 13:40:45 21 Q. Did he discipline you for walking 22 out? 23 A. Did I get written up is your 24 question? 25 Q. Yes. 13:40:57</p>	<p style="text-align: right;">Page 84</p> <p>1 A. No. I still had to work my hours 2 and make it up. And I know as far as Todd 3 Scaleric is concerned, he didn't have to make 4 up any time. 5 There was another incident with a. 13:41:50 6 during the hiring, with an African male named 7 Terrance. He did not have a high school 8 diploma, so Mark wouldn't bring him aboard. 9 Then I talked to Mark said, hey, he's a good 10 kid, showed initiative coming in here dressed 13:42:10 11 up, he's sharp. So we decided, hey, if he gets 12 his diploma, he was applying to be a car 13 installer, so we decided if he got his diploma, 14 bring it in here. Mark even told him, hey, 15 we're going to save a spot for you. So granted 13:42:24 16 this guy get his diploma, comes back, says, 17 hey, I did it, I got it, whatever. Instead of 18 putting him in -- once the store is open, okay, 19 instead of putting him in the car install bay, 20 Mark puts him on the car sales floor, which the 13:42:40 21 guy's experience wasn't sales, it was doing 22 installs, which he had did around the house. 23 We also pay our installers more 24 money than we pay our sales staff. And they 25 also do work more hours. because they're doing 13:42:59</p>
<p style="text-align: right;">Page 83</p> <p>1 A. No. I didn't get documented. 2 Q. So he let you walk out? 3 A. No. I walked out. He didn't -- 4 Q. He could have disciplined you for 5 leaving and terminate you for job abandonment. 13:41:04 6 You might have disagreed with that, but if he 7 felt that -- 8 A. Well, that would have been false. 9 because that's not the definition of job 10 abandonment. 13:41:15 11 Q. Well, certainly if you're working a 12 shift, you're not allowed to just leave any 13 time you want, correct? 14 A. That is correct. 15 Q. So if he wanted to say you left 13:41:22 16 your shift inappropriately, here's a leave 17 early under the attendance policy, he could 18 have done that? 19 A. You would have to ask Mark about 20 that. I know that I walked off. 13:41:31 21 Q. But he gave you no points and no 22 discipline as a result of that? 23 A. I wasn't documented. 24 Q. Okay. Did he say to you the next 25 day you shouldn't have left? 13:41:40</p>	<p style="text-align: right;">Page 85</p> <p>1 the repairs, going into people's cars. things 2 like that. They do make more money than our 3 car sales people. 4 So the guy's unhappy, starts 5 complaining to Mark like, hey, I thought I was 13:43:12 6 being brought aboard to be an installer. and 7 this and that. I didn't know he had talked to 8 Mark on numerous occasions. He came and got me 9 involved with that, hey, talk to Mark, he's 10 like brushing me off and things when I talk to 13:43:23 11 him. I'd have a conversation with Mark, I'm 12 like, hey, this guy got his diploma, whatever, 13 what's going on, why is he not back there. 14 Mark's response to me was like I'm the GM. I 15 can do whatever it is that I want, what have 13:43:36 16 you. 17 Then this, and what made matters 18 worse. Mark cut his hours. The guy went from 19 working like 30, 35 plus hours to working like 20 five, six hours. And then on top of that, the 13:43:53 21 same gentleman, his girlfriend wanted to get a 22 job there. Mark said that we don't hire 23 couples in at our store. But yet there was a 24 white female that worked in our media 25 department and Mark allowed her boyfriend, 13:44:10</p>

22 (Pages 82 to 85)



<p style="text-align: right;">Page 86</p> <p>1 which was a white male, to come and work at the 2 store. Which he had knowledge of that they 3 were a couple. 4 Q. Okay. 5 A. There was another incident with the 13:44:21 6 TVs. We had customers coming in, buying TVs. 7 there was people returning TVs. Now, I've sat 8 on numerous times when a person, a white male, 9 female return a television, it was like, hey, 10 it didn't work out for you, hey, let's offer 13:44:40 11 you a discount, okay, if you don't want that 12 we'll go ahead and do a return. There was an 13 older African American male that Mark wanted to 14 charge a 15 percent restocking fee, because the 15 guy wanted to return his TV. 13:44:54 16 And then this was another situation 17 that I had a run-in with Drew when I got wind 18 of what's going on. I didn't know Mark told 19 the cashier that we're charging him a 15 20 percent restocking fee. Alls I know is that I 13:45:04 21 had Drew up there saying it's going to be a 15 22 percent restocking fee if you want to return 23 this, what have you, this and that. Then I got 24 involved. I was like Drew, go away. He 25 wouldn't go away. He kept standing there. And 13:45:15</p>	<p style="text-align: right;">Page 88</p> <p>1 something that we had to pick it up first. And 2 once our delivery guys say they have it, then 3 they would return it to his credit card. 4 But later that time he came in 5 another day to do the return. I was present. 13:46:20 6 I called Stacey. I said Stacey, I just want to 7 let you know I got this customer here, I'm not 8 going to charge him a restocking fee. He was 9 in here before. Mark had wanted me to. So 10 just in case, you know, Mark fusses at me or 13:46:34 11 tries to docu me going against what he said, I 12 just wanted to let you know of the issue of him 13 or what's going on, or whatever. 14 I made that call to Stacey right in 15 front of a female named Suzy who processed the 13:46:47 16 return for the customer, and he wasn't charged 17 a restocking fee. 18 Q. When on the restocking -- are there 19 restocking fees at times? 20 A. Yes. Only on computers. Laptops. 13:47:00 21 open laptops that are non defective that are 22 open. Now, granted, if you bring a TV back and 23 it's missing a remote control and things like 24 that, they would charge you something for 25 missing the parts. 13:47:21</p>
<p style="text-align: right;">Page 87</p> <p>1 the guy was getting more upset. I'm like, 2 Drew, I'll handle this, I'll take care of this. 3 I was like, sir, I apologize, what's going on. 4 I got like wind of the situation, looked on the 5 back of his receipt. I was like no, I'm sorry, 13:45:23 6 we don't charge a 15 percent restocking fee. I 7 apologize. I probably have to communicate 8 better with my staff as far as our return 9 policy. 10 Anyway, I go up to the back room, 13:45:35 11 after that conversation I go back to the back 12 room, I speak to Mark. I was like Drew was up 13 there trying to charge the guy a restocking 14 fee. I was like we don't charge restocking 15 fees on TVs. He already charged him. You go 13:45:45 16 up there and you charge him a restocking fee. 17 And I told Mark I'm not going to do anything 18 that I know that I'm not supposed to do, or 19 whatever. So if you want to charge this guy a 20 restocking fee, you can go up there and do it. 13:45:55 21 Q. Did he? 22 A. I stayed away from that. No. The 23 guy -- honestly, I couldn't tell you if -- no, 24 he wasn't charged a restocking fee. He 25 couldn't do the return that day, because it was 13:46:09</p>	<p style="text-align: right;">Page 89</p> <p>1 Q. Okay. 2 A. But I couldn't tell you -- I know 3 that the TVs weren't part of the restocking 4 fee, but there were other items that would 5 qualify as a restocking fee. 13:47:31 6 Q. Well, you just said TV if there 7 wasn't a remote? 8 A. Well, yes, if you brought something 9 back and it was missing this or missing that. 10 I cannot remember at this time what the Best 13:47:42 11 Buy term was for if it was missing this you 12 have to charge them this. It wasn't a 13 restocking fee. It was like a certain dollar 14 amount. They even had like a written out thing 15 if it was missing a remote, you deduct this off 13:47:55 16 the price. 17 Q. Now, you sold PCs not TVs, right? 18 A. I was responsible for the PCs, but 19 I've sold everything that was in that store. 20 Q. But you were not responsible for 13:48:09 21 TVs? 22 A. No. I was not responsible. 23 Q. Why did you take it upon yourself 24 to get involved in this restocking fee issue? 25 A. Because I'm the only manager on 13:48:17</p>

23 (Pages 86 to 89)



<p style="text-align: right;">Page 90</p> <p>1 duty. Even though I'm the PC area manager, I 2 had keys to the store. That's why we were 3 fortunate to have seniors within our 4 department, because I can't be in services and 5 in the sales support at the same time. Because 13:48:30 6 there was times that Mark is not there, my 7 sales manager is not there. There would be 8 times where it's just me there. because I open 9 and close the store and everything. 10 Q. When the gentleman came in at 13:48:41 11 first, he didn't have his TV with him, right? 12 A. That is correct. 13 Q. Without seeing the TV, how did you 14 know that there shouldn't be a restocking fee? 15 A. Because I know that there's no 13:48:51 16 restocking fees on our TVs. 17 Q. You knew he had a remote? 18 A. That part I did not know. 19 Q. You knew that the TV was perfectly 20 fine and no issues? 13:49:01 21 A. That part I did not know. 22 Q. Don't you think that it would have 23 been appropriate to see the TV before you 24 conclude that there should be no restocking 25 fee? 13:49:11</p>	<p style="text-align: right;">Page 92</p> <p>1 A. Mark talked to him first, 2 originally. 3 Q. Okay. 4 A. And then went back there to the 5 break room. Then Drew is running from the 13:50:06 6 break room going back up there to the front. 7 Well, the guy said this, go back there to Mark. 8 and then come back out there and talk to the 9 guy again. 10 Q. So this TV was actually delivered 13:50:16 11 by Best Buy to the house? 12 A. Right. That is correct. 13 Q. And Best Buy, as part of the 14 return, was going to have to go out and get the 15 TV and bring it back? 13:50:25 16 A. That is correct. 17 Q. And it's opened. And there's no 18 restocking fee whatsoever? 19 A. There's no restocking fee 20 whatsoever. 13:50:31 21 Q. Who pays to bring it back to the 22 store? 23 A. As far as on a P&amp;L line, I'm not 24 sure what item actually pays for that. But 25 that is our policy. 13:50:39</p>
<p style="text-align: right;">Page 91</p> <p>1 A. What I knew, it wasn't appropriate 2 to charge him a restocking fee. And keep, 3 again, don't mix not having a remote is going 4 to be a restocking fee, because it's not the 5 same thing. A restocking fee is for something 13:49:17 6 that you bring back that is -- 7 Q. Okay. Do you know if Rankin 8 actually saw this gentleman? 9 A. Did Rankin -- no. Drew was being a 10 messenger. 13:49:31 11 Q. So how do you know that Rankin -- I 12 assume that you're claiming that Rankin did 13 this because this gentleman was black? 14 A. Yes. 15 Q. Why do you think Rankin did that? 13:49:38 16 How if he didn't see him? 17 A. The -- no. I did not say that 18 Rankin did not see him. 19 Q. You just don't know? 20 A. No. Rankin talked to the guy. The 13:49:48 21 guy spoke to our general manager. I had a 22 conversation with the guy. Mark Rankin went 23 back there in the break room and had Drew being 24 the messenger, running back and forth. 25 Q. So Mark talked to him? 13:50:00</p>	<p style="text-align: right;">Page 93</p> <p>1 Q. Is it the customer? 2 A. Well, no. Because they normally 3 pay for shipping originally. 4 Q. And with your understanding of 5 TVs -- 13:50:45 6 A. Right. 7 Q. -- I could go into Best Buy 8 tomorrow and buy a flat screen TV? 9 A. Yes, sir. 10 Q. Bring it to my home? 13:50:50 11 A. That is correct. 12 Q. And not like it? 13 A. That is correct. 14 Q. Call up and say, hey, I'm returning 15 this, I want my full money back, and you guys 13:50:57 16 come back and pick it up? 17 A. To my knowledge, that is correct. 18 Q. That's your knowledge, that's your 19 understanding? 20 A. Yes, sir. 13:51:06 21 Q. Doesn't depend on anything about 22 the number of days? 23 A. You have to stay within your return 24 policy. Another thing that I did that day, 25 because like you said, I wasn't responsible for 13:51:14</p>

24 (Pages 90 to 93)

<p style="text-align: right;">Page 98</p> <p>1 A. I said we did two things.</p> <p>2 Q. What were the --</p> <p>3 A. The other thing was if it was</p> <p>4 something that we weren't making money off of.</p> <p>5 or whatever, we would send it back. 13:54:45</p> <p>6 Q. Okay. Send it back to the</p> <p>7 manufacturer?</p> <p>8 A. Right. That is correct.</p> <p>9 Q. Okay. What are discontinued</p> <p>10 products? 13:54:52</p> <p>11 A. Discontinued is stuff that we start</p> <p>12 taking a margin loss off of. And basically</p> <p>13 older, older inventory items.</p> <p>14 Q. And let's just focus on the laptops</p> <p>15 and PCs again. So I take it that in your 13:55:06</p> <p>16 department, just focus in your department, you</p> <p>17 have a certain amount of inventory of a certain</p> <p>18 laptop. Is that, I mean, you'd have inventory</p> <p>19 back in the store?</p> <p>20 A. That is correct. 13:55:20</p> <p>21 Q. All right. And let's say that</p> <p>22 you're selling a laptop, a new model comes</p> <p>23 out --</p> <p>24 A. Comes out.</p> <p>25 Q. -- the older model, is that -- and 13:55:24</p>	<p style="text-align: right;">Page 100</p> <p>1 Q. So you didn't have any discontinued</p> <p>2 products that you sold on the floor?</p> <p>3 A. We still had discontinued items.</p> <p>4 Granted, you can't -- I call it building Rome</p> <p>5 overnight. You can't take all your stuff and 13:56:34</p> <p>6 send it all out at one time. I know they had</p> <p>7 certain weight constraints, because you would</p> <p>8 put everything on a pallet, and once that</p> <p>9 pallet is full, you would fill it up, send that</p> <p>10 off. But we sent things time from time. we 13:56:47</p> <p>11 would just pack up -- but it was new, unopened,</p> <p>12 nobody's even bought it, returned it or</p> <p>13 anything, we would take it, put it in the</p> <p>14 warehouse. Todd Scaleric would send it back to</p> <p>15 the vendor, and we get credit on it. So it's 13:56:59</p> <p>16 like better than selling it to somebody.</p> <p>17 Q. So if something is discontinued,</p> <p>18 could you as a Best Buy associate purchase that</p> <p>19 discontinued item?</p> <p>20 A. Oh, yeah. You could purchase it. 13:57:09</p> <p>21 Q. Okay.</p> <p>22 A. Well, you would -- if we were</p> <p>23 losing money on it, honestly, if we were losing</p> <p>24 money or something like that and somebody</p> <p>25 wanted to buy something, I would actually have 13:57:17</p>
<p style="text-align: right;">Page 99</p> <p>1 they're no longer making that older model. Is</p> <p>2 that discontinued, or when is it considered</p> <p>3 discontinued?</p> <p>4 A. Not necessarily. And, actually,</p> <p>5 one of the unique things about Best Buy is like 13:55:35</p> <p>6 even ahead of time there would be a list that</p> <p>7 they would send down and say okay, hey, these</p> <p>8 items, laptops, are going to be going</p> <p>9 discontinued on this date. Hurry up and sell</p> <p>10 them before this date or you're going to be 13:55:49</p> <p>11 losing money on these.</p> <p>12 Q. These are the things that if you</p> <p>13 can sell before this discontinuation date you</p> <p>14 would?</p> <p>15 A. Right. Mark would have us 13:55:59</p> <p>16 highlight the sale tags in my department,</p> <p>17 highlight the sale tags so it made it easier</p> <p>18 for a line level employee to go, hey, I know</p> <p>19 that this is going discontinued, let me hurry</p> <p>20 up and go ahead and move this. 13:56:12</p> <p>21 Q. Once it goes discontinued, you</p> <p>22 would still sell it, it's just it would come</p> <p>23 down in price?</p> <p>24 A. Now, once it went discontinued,</p> <p>25 Mark had us send it back to the vendor. 13:56:22</p>	<p style="text-align: right;">Page 101</p> <p>1 to call Mark and let him know the situation, to</p> <p>2 see if it was okay for that person to go ahead</p> <p>3 and purchase it.</p> <p>4 Q. Because you could return it to the</p> <p>5 manufacturer? 13:57:28</p> <p>6 A. Yes. Because we would send it back</p> <p>7 to the vendor. That is correct.</p> <p>8 Q. Okay. If it's discontinued and</p> <p>9 used, can you return that to the manufacturer?</p> <p>10 A. Yes. 13:57:36</p> <p>11 Q. Okay. So --</p> <p>12 A. As long as you have like a box or</p> <p>13 something to put it in, you can still send it</p> <p>14 back. That is correct.</p> <p>15 Q. Okay. As an associate, could you 13:57:44</p> <p>16 buy used product in the computer area? Could</p> <p>17 you buy used PCs or computers? Like if I</p> <p>18 returned it, I've used it, I've returned it,</p> <p>19 it's not defective, I just don't like it?</p> <p>20 A. If it's a newer item that was 13:57:58</p> <p>21 purchased and was returned and somebody wanted</p> <p>22 to buy it, I wouldn't have to call Mark to get</p> <p>23 the partnership on it. I could go ahead and do</p> <p>24 it, because it would be something that I could</p> <p>25 call myself. If it was something that we were 13:58:11</p>

26 (Pages 98 to 101)

<p style="text-align: right;">Page 106</p> <p>1 But Mark felt, I don't know, 2 inferior in dealing with Wayne Jones. Wayne's 3 a little bit bigger than me, but he would send 4 me to talk to Wayne, or whatever. If he had 5 something that needed to go to Todd or anybody 14:02:30 6 else, he wouldn't say, hey, can you go. 7 Q. Did he send anybody to talk to you 8 or did he go directly to you? 9 A. He would come to me. 10 Q. So was it because Wayne was big or 14:02:41 11 because Wayne was black or what? 12 A. It's because he was black. I feel, 13 I myself personally feel it was black. And 14 Wayne Jones is, he doesn't -- I tend to keep 15 things to myself. I keep it in, won't say 14:02:55 16 nothing at the time. If Wayne Jones feels 17 something, he'll say it to Mark and let him 18 know where he's coming from. 19 I remember there was a time we had 20 a meeting and Mark was like is there any 14:03:06 21 manager in here that had anything that they 22 need to get off their chest, or whatever. And 23 Wayne Jones called him out and said, hey, I 24 don't appreciate it when you show up late for 25 work and call us on our day off to come in and 14:03:18</p>	<p style="text-align: right;">Page 108</p> <p>1 say, let me just do it, whatever, just really 2 didn't question anything. It wasn't until 3 incidents occurring, and then I got line level 4 African male employees coming to me with 5 things, and then I'm also observing things that 14:04:29 6 actually had me start questioning things. And 7 I did go to Mark and started questioning about 8 how he acts, you know, towards African males 9 and even females about some of his decision 10 making and things like that. And once again, 14:04:44 11 he responded I am the -- his attitude, I am the 12 GM. I can do whatever I want to was his 13 attitude. 14 Q. And you're referencing, like you 15 went to talk to him about this installer, 14:04:56 16 whether sales or installer, right? 17 A. That is correct. 18 Q. Did you ever go to Mark and say I 19 think you're making these decisions based on 20 race, or did you just go to him and say -- 14:05:04 21 A. I went there and told him exactly 22 that Terrance feels like you're doing this 23 because of his race. 24 Q. Did you say to Mark I think you're 25 doing it based on race, or did you put it that 14:05:14</p>
<p style="text-align: right;">Page 107</p> <p>1 open up the store for you because you can't get 2 up on time, but yet when I call in and let you 3 know that I'm sick, or whatever, you leave a 4 message on my phone like if I don't show up at 5 work at this instance, I'm going to be 14:03:33 6 terminated, or what have you. 7 Q. So he spoke up? 8 A. Yes. I remember him speaking up 9 that one time. 10 Q. You didn't speak up at the time. 14:03:40 11 you didn't act like Wayne, you said you didn't 12 speak up on issues? 13 A. I didn't say anything about that. 14 That had happened to me, but I did not say 15 anything at that time. That is correct. 14:03:51 16 Q. But Wayne Jones -- Mark Rankin came 17 directly to you. He didn't send an 18 intermediary to you when he talked to you? 19 A. Mark really never had to talk to me 20 about anything. And I have known Mark, again, 14:04:03 21 from the Castleton store, or whatever. I 22 myself I could describe me as always been the 23 yes man; we need to get this done, yes, okay, 24 we'll do this, no questions asked or whatever, 25 no questions asked or whatever, whatever you 14:04:17</p>	<p style="text-align: right;">Page 109</p> <p>1 this other employee did? 2 A. No. The only thing that I said as 3 far as put it to Mark as far as race was the 4 customer issue and the Wayne issue. 5 Q. Okay. 14:05:24 6 A. I specifically said the race. 7 Q. Okay. So on a customer issue, on 8 the 15 percent, or the restocking fee, you said 9 to Mark you thought it was because he was 10 black? 14:05:34 11 A. That is correct. 12 Q. What did Mark say to you? 13 A. We had a -- we had -- this is not 14 that same day. This was another time when we 15 sat down and we started talking about it, I was 14:05:47 16 talking to him about the race issue, I started 17 bringing up different occurrences of why I felt 18 that or what have you. Mark was like I'm 19 making the decisions that I'm making in the 20 stores because I'm the GM and I have the right 14:06:00 21 to do that. I can do that, and don't question 22 me on the things that I do. 23 But there was a time that me and 24 him wasn't even speaking like for a while, and 25 when I got a chance to catch up with him and 14:06:12</p>

28 (Pages 106 to 109)

<p style="text-align: right;">Page 122</p> <p>1 return that, charge them a restocking fee. It 2 wasn't until this older black male that he 3 wanted to charge him the restocking fee. And 4 before I made the decision to override that, I 5 knew it was the right thing to do, I called my 14:17:14 6 human resource manager. 7 Q. Is human resources, are they the 8 experts as to the whether or not a restocking 9 fee should be applied? 10 A. Myself personally, I feel like they 14:17:26 11 are. My human resource manager worked in the 12 store before. She had worked previously in the 13 store before, too. So as far as, yes, about an 14 expert, I even called, again, I called Wayne 15 Jones, which was the current -- 14:17:41 16 Q. Was he still employed by Best Buy? 17 A. Yes, he was. And he still is, yes. 18 sir. And I called him and said what's the 19 policy with TVs. 20 Q. Wayne Jones is still employed out 14:17:49 21 of Macedonia? 22 A. He's currently at the -- what do 23 you call that area -- Fairlawn. Fairlawn 24 store. 25 Q. Okay. So Wayne didn't think it was 14:17:57</p>	<p style="text-align: right;">Page 124</p> <p>1 A. Right. 2 Q. What other employee came to you? 3 A. I don't know the young lady's name 4 at this time. There was a lady, there was a 5 couple of ladies actually that worked up front 14:19:00 6 at Customer Service. I don't have their 7 information at this time. 8 Q. And what did they tell you? 9 A. Just with the cutting of hours and 10 things like that. What was the -- my own 14:19:11 11 instances with the hiring with Wayne's senior. 12 Q. I want to talk to you about these 13 employees' complaints. You act like that you 14 got all these complaints about Mark about race. 15 We've talked about Terrance. What did these 14:19:29 16 two people in Customer Service -- 17 A. Oh, the other guy, what is his 18 name. Kenneth. Kenneth in wireless. As a 19 matter of fact, we were in a managers meeting. 20 We had a conversation about, you know, okay, 14:19:41 21 who's at the bottom half, who should we, you 22 know -- it was almost like he was creating less 23 of people that we just need to, just 24 performance manage them and fire them and get 25 them out of here, because they're not going to 14:19:54</p>
<p style="text-align: right;">Page 123</p> <p>1 bad enough that he was going to quit or had any 2 issues with Mark Rankin? 3 A. You said bad enough to quit? 4 Q. Yeah. You said Wayne thought there 5 was times when there was discrimination -- 14:18:08 6 A. Wayne, that's a whole other story. 7 Wayne went over there to the Fairlawn store. 8 When me and Mark was having our real issues, I 9 mean, Wayne was already gone from that store. 10 Q. When you said real issues, it's my 14:18:22 11 understanding that this computer was close in 12 time to your termination, right, not computer. 13 the return of the TV? 14 A. Return of the TV, yes. That is 15 correct. 14:18:31 16 Q. But did you have real issues with 17 Mark prior to the return of the TV? 18 A. Yes. Because I still had the fact 19 that I had employees complaining about, you 20 know, how they were being treated and things 14:18:41 21 like that. That is correct. 22 Q. Now, you say employees. But from 23 what we talked about, you had one -- you had 24 Terrance, who came in without a high school 25 diploma that Mark hired, right? 14:18:53</p>	<p style="text-align: right;">Page 125</p> <p>1 make it for us, or whatever. And Mark wanted 2 to get rid of a guy named Kenneth. He was a 3 black guy, real heavy set, what have you. He 4 worked in the cell phone department. And on 5 top of that he was a transfer from another 14:20:10 6 store. He thought he was going to be working 7 in the TV department. But because we didn't 8 have enough people in the cell phone 9 department, Mark parked him in there so he 10 didn't do so well. 14:20:23 11 I'm in the meeting, like, well, 12 before you decide to let people go, shouldn't 13 we make sure they have all the tools, or what 14 have you, that they're trained. Because I 15 don't think the guy -- I've heard him talk to 14:20:33 16 customers. He doesn't seem too knowledgeable 17 about the cell phones, or what have you. So 18 shouldn't we train, this and that. They're 19 like no, he comes in, he's slouchy and this and 20 that. Me personally, I haven't seen the guy 14:20:43 21 slouch. Granted, I know he's heavy set and 22 things like that, his shirt may be wrinkled and 23 things at the bottom, but this is how Mark was 24 speaking of the guy. 25 What happened with him, his name is 14:20:56</p>

32 (Pages 122 to 125)

<p style="text-align: right;">Page 126</p> <p>1 Kenneth. he kept complaining about, hey, I 2 wanted to go to this department, what's going 3 on. His hours also ended up getting cut. 4 Q. Because he wanted to move to a 5 different department? 14:21:08 6 A. Because he kept going to Mark. and 7 Mark was feeling like he's a waste, he just 8 needs to go, so they just cut the hours. No 9 different from what he did with Terrance. If 10 you're working less hours, you'll just quit and 11 go. 12 Q. He never cut hours on white 13 employees? 14 A. What was that again? 15 Q. Mark Rankin never cut hours on any 14:21:27 16 white employees? 17 A. No, he hasn't. 18 Q. Never terminated any white 19 employees? 20 A. Well, he terminated one for 14:21:34 21 stealing. 22 Q. Okay. 23 A. He terminated one for stealing. 24 That he wasn't even -- and to be honest with 25 you, that he wasn't even present for. 14:21:40</p>	<p style="text-align: right;">Page 128</p> <p>1 asked me about -- which one are you asking me 2 about, terminating white employees or cutting 3 hours? You asked me two questions. 4 Q. First of all, terminating. You're 5 saying Mark Rankin has only terminated one 14:22:34 6 white employee, to your knowledge? 7 A. One white employee, yes. That is 8 correct. 9 Q. Through all those years at Best 10 Buy, Macedonia -- 14:22:42 11 A. Macedonia -- between Castleton -- 12 at Castleton, I never seen him let go of 13 anybody, to be honest with you. And in 14 Mayfield, him working there while I was working 15 there was very short lived because he got 14:22:56 16 promoted. And then in Macedonia, we were, we 17 spent three, four months just opening up the 18 store, and the store wasn't even opened, and it 19 was getting into the holiday rush, and I was 20 gone in April. I mean, that time went by, so I 14:23:05 21 wouldn't say -- you say over the years, when 22 you put all that time together, that might just 23 be a year that I spent working in a building 24 with Mark Rankin. And yes, I've only known of 25 one white male to get terminated that was under 14:23:20</p>
<p style="text-align: right;">Page 127</p> <p>1 Q. Okay. Well, you worked with Mark 2 for a number of years with him as a supervisor. 3 You never saw him -- 4 A. You say a number of years, I worked 5 for him a little bit at the Castleton store, 14:21:53 6 because then I transferred to another location. 7 Q. Okay. 8 A. I had knew of him from the 9 Castleton store. And he was the ops manager, 10 like a cashier manager. 14:22:05 11 Q. He was a manager there, and then he 12 was a manager in Mayfield? 13 A. Right. 14 Q. He never terminated white people, 15 except for one discharge due to theft? 14:22:13 16 A. And like I said, he wasn't even 17 present. 18 Q. No, I'm asking you that. You're 19 saying throughout that time -- 20 A. From my knowledge -- 21 Q. -- it's your testimony he's only -- 22 A. -- from my knowledge -- 23 Q. -- discharged one white employee? 24 A. From my knowledge, that was the 25 only person, that was the only person -- you 14:22:25</p>	<p style="text-align: right;">Page 129</p> <p>1 a Mark Rankin establishment for the simple fact 2 that he admitted to stealing. 3 Q. How about whites with reduction in 4 hours? 5 A. No. I've never even seen any of 14:23:30 6 that. 7 Q. Why did Mark put two African 8 Americans on his management team? 9 A. To -- Wayne, I can't speak for 10 Wayne. But I know with myself, like with Best 14:23:44 11 Buy, if something was broken or a store was 12 struggling, send Mike Graham to go do it. So 13 even at the Macedonia store, we were doing real 14 good. At the time I left we were like first in 15 the region for performance issues. 14:24:00 16 Q. So I'm asking you if Mark doesn't 17 like black people, why would he hire two 18 African Americans out of five on his management 19 team? 20 A. I don't know. I call it a 14:24:11 21 love/hate relationship. If I'm in your 22 building and we're performing, and you're 23 getting "X" amount of dollars on your bonuses, 24 or your lifestyle is better, whatever, maybe 25 that's the case. I know that my performance 14:24:21</p>

33 (Pages 126 to 129)



<p style="text-align: right;">Page 130</p> <p>1 spoke for itself. That's why he grabbed me to 2 come over there. because of my performance. 3 But at the same time, again, Wayne 4 was no longer working in that building, what 5 have you. And when it came to me coming to 14:24:35 6 Mark about things or the way he handled me, I 7 feel like I was treated differently compared to 8 any of the other white male or female managers 9 that worked there. 10 Q. How were you treated differently? 14:24:46 11 A. Just like the handling disputes. he 12 did it openly, and he would do it behind closed 13 doors. 14 Q. What other dispute did he handle 15 openly with you, besides from the one that you 14:24:56 16 told us? 17 A. With the employees coming up 18 talking about their hours are being cut, you 19 want to know about the black male, and me 20 telling him. hey. that's a black customer that 14:25:05 21 you're trying to charge a restocking fee, and 22 I've seen people come in here -- and I don't 23 want to sound like a racist, because I'm not, 24 like, you know, a white family come in, hey, I 25 just don't want it, I'm going to return it. 14:25:18</p>	<p style="text-align: right;">Page 132</p> <p>1 It was if I made -- it could be -- like the 2 time with me wanting to take my girlfriend to 3 the hospital because she's calling me saying 4 she's bleeding and she needs to go to the 5 hospital, and I just say, hey, Mark, I got an 14:26:29 6 emergency at the home. do you mind if I leave 7 and take her to the hospital, what have you, 8 and he bluntly just lashes out in front of our 9 staff and other managers that I didn't bring 10 you here to be a juggilo and get somebody 14:26:44 11 pregnant, and this and that, and what have you, 12 and yells at me, and I have to walk off. 13 Whereas another white male can say, hey, can I 14 close on a house, and he can just go. Yes. I 15 feel like I was treated differently. 14:27:00 16 Q. What other times did he raise 17 issues with you in front of others? Was that 18 the only time? 19 A. Yes. That was the only time. 20 Q. How else did he treat you 14:27:05 21 differently than other white supervisors? 22 A. Him, I wouldn't say treated 23 differently. I've observed his behavior with 24 African males and females. I've observed that. 25 With dealing with the customer, also with 14:27:20</p>
<p style="text-align: right;">Page 131</p> <p>1 Hey, why not. Everything is fine. No 2 restocking fee. But then you get a guy around 3 here, you want to give him a hard time, you 4 know, so -- 5 Q. You raised that with him in front 14:25:26 6 of others? 7 A. No, I did not. The others, I would 8 openly admit that, yes, maybe Suzy, because she 9 was the cashier, she knew what was going on. 10 Drew, yes, because he was being the messenger 14:25:39 11 going back and forth and everything. And I had 12 to like firmly tell him just go away, you're 13 upsetting the customer, what have you and he 14 left. Yes, maybe he knew Mark says to do this, 15 but Mike keeps saying to do this. But as far 14:25:52 16 as the whole store, no. Nothing like that. 17 Q. Well, the question was, and please 18 answer the question, not go off. The question 19 was, you said that, I asked you how Mark 20 treated you differently than other supervisors. 14:26:04 21 You said one way was that he raised issues with 22 your performance or your conduct in front of 23 others? 24 A. No. He did not raise issues about 25 my performance or conduct in front of others. 14:26:14</p>	<p style="text-align: right;">Page 133</p> <p>1 dealing with employees, and also with the 2 hiring of employees. 3 Q. Okay. 4 A. I saw that, I observed him. 5 Q. We talked about the hiring, right? 14:27:29 6 A. Yes, we have. 7 Q. We talked about all the issues you 8 had with him in hiring? 9 A. Right. 10 Q. And, again, on the hiring, it 14:27:36 11 ultimately came to -- I mean, up to the point 12 of you going into the hiring with him, you 13 didn't have any issues with Mark Rankin, right? 14 A. You said up to -- 15 Q. The point where you guys were 14:27:47 16 hiring at the hotel for your new management 17 team. 18 A. Right. The first issue was the 19 senior. The very first issue was the senior, 20 that Wayne wanted the African American male, 14:27:56 21 yes. 22 Q. And clearly, Mark made the final 23 decision as to who would be hired or not, 24 right? 25 A. That is correct. 14:28:04</p>

34 (Pages 130 to 133)

<p style="text-align: right;">Page 134</p> <p>1 Q. And Mark decided he was going to 2 transfer somebody from another store rather 3 than hire an African American? 4 A. I mean, if the question is -- the 5 questions that you're asking is really like an 14:28:16 6 opinion. But it was in my opinion that he 7 didn't bring the guy on because he was African 8 American. 9 Q. And what I'm getting at, it was 10 exactly that. It was nothing more than an 14:28:28 11 opinion. You didn't have anything other than 12 the fact that the person you wanted to hire was 13 black, you had nothing to base your decision 14 that this was racism? 15 A. Right. And just like it was my 14:28:40 16 opinion that I know we don't charge restocking 17 fees for -- 18 Q. And we need to stay on the 19 question. Because I have all day. We'll be 20 here until 8:00. I'm fine with that. But if 14:28:47 21 you just answer the question. 22 My question to you is, as to the 23 hiring of that senior, when Mark made this 24 decision not to hire an African American for 25 the senior, to transfer somebody from another 14:28:58</p>	<p style="text-align: right;">Page 136</p> <p>1 that you're not a go-getter. what would you 2 take that as? 3 Q. I don't know how I would take it 4 as. I certainly wouldn't jump to the 5 conclusion it was based on race. 14:29:59 6 A. Okay. I'm just saying a go-getter, 7 just like even the term. This is what he told 8 us, whereas with other people, this person is 9 not qualified, or this person doesn't have 10 experience, or what have you. 14:30:10 11 Q. So ultimately it was nothing more 12 than you believed this African American -- did 13 you know Drew, did you even know the transfer's 14 name when the decision -- 15 A. Yes. Drew Degenero, because his 14:30:23 16 brother was on the district staff. 17 Q. Okay. So his brother was on the 18 district staff? 19 A. That's correct. 20 Q. Do you think maybe the district 14:30:29 21 staff said, Mark, if you got a position for 22 Drew, bring him in? 23 A. Oh, I'm sure. 24 Q. So there could have been reasons 25 other than race, right? 14:30:35</p>
<p style="text-align: right;">Page 135</p> <p>1 store, and I'm just asking you questions about 2 that, I don't want to hear all the other stuff. 3 About that. Up to that point, you hadn't had 4 any issues with Mark Rankin, right? 5 A. Okay. 14:29:10 6 Q. Right? 7 A. That is correct. 8 Q. Okay. He didn't say he wasn't 9 hiring the African American because he was 10 black, right? 14:29:17 11 A. Right. 12 Q. He had his reasons. He said he 13 wasn't a good fit? 14 A. He did not give us his reasons. 15 Like with other people weren't hired, he would 14:29:24 16 say stuff like, well, this guy he, you know, 17 can't talk to people, or this guy here doesn't 18 have the experience, or something. There 19 was -- it was something that he would say or 20 give and -- 14:29:42 21 Q. Well, correct me if I'm wrong, you 22 testified earlier that he told you he wasn't a 23 go-getter, right? 24 A. Yeah. Just like he was -- he 25 didn't feel like he was -- but if I tell you 14:29:49</p>	<p style="text-align: right;">Page 137</p> <p>1 A. There could have been other reasons 2 than race. 3 Q. But yet you jumped to the 4 conclusion then, you're telling me then you 5 jumped to the conclusion that it was race based 14:30:41 6 just on your subjective view? 7 A. Right. And based upon the 8 responses that we got from Mark compared to 9 other people's responses as far as why we 10 didn't hire them and bring them aboard. 14:30:52 11 Q. Well, you have someone in the 12 district office who you said may have been 13 asking Mark to bring on his brother, right? 14 A. Right. 15 Q. You had somebody transferring who 14:30:58 16 was brought in, and actually there was a number 17 of people on his management team who 18 transferred from other stores, right? 19 A. Just a couple. 20 Q. A couple? 14:31:09 21 A. Just a couple. Just me and another 22 lady. 23 Q. Well, you transferred a number of 24 times with Best Buy, right? 25 A. That is correct. 14:31:15</p>

35 (Pages 134 to 137)



<p style="text-align: right;">Page 138</p> <p>1 Q. I'm assuming that if you transfer 2 somebody versus a hire off the street, that 3 person may very well have Best Buy knowledge? 4 A. That is correct. 5 Q. So that could be a reason why he 14:31:23 6 chose to transfer versus hire, correct? 7 A. Could be. 8 Q. Could be. And he had a reason that 9 you disagreed with it, but his reason was that 10 this person's not a go-getter? 14:31:37 11 A. What is a go-getter? And I hear 12 what you saying. But all I was saying was 13 when we decided not to bring somebody aboard, 14 he would recap like why we didn't get this 15 person. 14:31:54 16 Q. Okay. 17 A. And in my opinion and another 18 manager's opinion that it was because of this 19 guy's race he didn't bring him aboard, because 20 he didn't give us anything that talked about, 14:32:04 21 anything tangible as far as why he wouldn't 22 bring him aboard. 23 Q. Okay. Well, how about if he would 24 have just said, you know what guys, the 25 district really wants me to bring in the 14:32:15</p>	<p style="text-align: right;">Page 140</p> <p>1 Q. Okay. Now, so as to the hiring, 2 it's a subjective view that you just disagreed 3 with Mark's -- 4 A. Well, there was also that instance, 5 just with the hiring, I mean, we can pull up a 14:33:07 6 roster. But out of all those people that we've 7 interviewed, let me see how many black people 8 we had at the store -- myself, Wayne, which is 9 the managers. I've had like three and four, 10 maybe, out of the 50 something people that 14:33:23 11 we've hired. How many blacks that we 12 interviewed, a lot. 13 As a matter of fact, there was 14 times where they would show up for an 15 interview, and Mark wasn't even comfortable 14:33:36 16 with like what they had on. Tell them just to 17 leave. 18 Q. Okay. Like what did they have on? 19 A. It could -- jeans, shirt, the 20 guy -- I can't remember this candidate, I have 14:33:54 21 to ask Wayne. There was a guy like with the 22 corn rows, the braids in the back of his head 23 or whatnot. Mark told him to go home. 24 Q. Well, Terrance, you said it was a 25 positive when Terrance came in and interviewed 14:34:07</p>
<p style="text-align: right;">Page 139</p> <p>1 brother, I'm bringing him in, even though this 2 guy's -- 3 A. If he would have said that, we 4 would have been, oh, okay, honestly, had he 5 said -- 14:32:25 6 Q. Does he have to tell you as the 7 manager all the reasons -- 8 A. No. He does not have to tell us 9 that. 10 Q. Did you tell Drew every reason for 14:32:29 11 your decisions? 12 A. Yes. Actually, the way he is, you 13 really do have to tell him why we're doing 14 something. 15 Q. Did you tell all of your 14:32:38 16 subordinates all the reasons why you're making 17 decisions? 18 A. No. Not at all. Some people you 19 can say, hey, and then they just do it. 20 Q. Yeah. You said you were a yes man, 14:32:48 21 so these people would say stuff to you and they 22 didn't have to say why, you would just say yes, 23 right? 24 A. Mark would say, hey, do this, and I 25 would be a yes man. 14:32:55</p>	<p style="text-align: right;">Page 141</p> <p>1 and he came dressed up, right? 2 A. Right. Terrance came in a tie, the 3 whole -- 4 Q. So when you're interviewing, you 5 want to see how serious they are about the Best 14:34:17 6 Buy job, right? 7 A. No. Because even at Best Buy, they 8 send you to all these management training 9 courses, and they've actually stated, hey, 10 careful not to prejudge somebody based upon 14:34:29 11 their appearance. You don't know where they 12 came from, whatever, when you're calling them 13 in for an interview. Especially with our 14 situation with interviewing people, we had 15 signs up there, we're interviewing people on 14:34:41 16 the spot. You could have drove by the sign 17 that said Best Buy Hiring Fair, walked in, fill 18 out an application and got an interview right 19 on the spot. That's how we were -- 20 Q. Well, then why did you use it as a 14:34:48 21 positive to Mark that Terrance was in a tie? 22 A. Because Terrance came in just like 23 dressed, it was like a suit, he was literally 24 in a suit when he came in for an interview. 25 Q. It showed you he really wanted the 14:35:02</p>

36 (Pages 138 to 141)

<p style="text-align: right;">Page 146</p> <p>1 A. I don't know if that was a policy 2 or not. 3 Q. You say you objected to a number of 4 people who were hired, right? Why didn't he 5 just simply overrule on this hire as well if he 14:39:11 6 didn't want to hire a black person? 7 A. He sure didn't give him the 8 position, just like he did with another African 9 male, did not -- you interview for a position. 10 and we say yeah, we're going to hire you and 14:39:23 11 put you in this position. But when it comes 12 time to it, changed our mind, you're going to 13 do this now. 14 And that's what I meant as far as 15 like with Terrance, he was supposed to be 14:39:30 16 installing cars, because that's what he's being 17 doing, installing cars, but yet we had him out 18 there on the sales floor. 19 Q. How long did it take Terrance to go 20 get his high school diploma? 14:39:42 21 A. Oh, my gosh. The guy, from us 22 interviewing him that first time, maybe two 23 weeks. It was -- he was back, it was like wow, 24 he was back. 25 Q. Was he in school and graduating 14:39:56</p>	<p style="text-align: right;">Page 148</p> <p>1 just to fail on the sales floor? I don't 2 understand. What was your problem, that 3 Terrance should have been able to make the 4 decision as to where he wanted to work or 5 that -- why -- 14:41:01 6 A. Well, it's just that if you 7 yourself go to apply for a job, you know, we're 8 at a grocery store, I say, hey, I'm going to 9 put you in the deli, that's what you have 10 applied for, and then once you get your uniform 14:41:10 11 and I say, hey, get on the register, you know. 12 Couple days go by, no, no, no, stay on the 13 register, we got enough people for the deli. 14 You're upset because you've applied for deli 15 and you come to me and say, hey, you know, I 14:41:25 16 thought I was being hired to work on the deli. 17 I get upset, I'll be like, since you went and 18 complained, now you're only going to work this 19 amount of hours. That's exactly what happened. 20 He applied for one specific position and was 14:41:37 21 placed in another position. 22 Q. Okay. And why do you think Mark 23 did it based on race? Why on the sales -- 24 A. Because -- 25 Q. -- versus installer? Why wouldn't 14:41:48</p>
<p style="text-align: right;">Page 147</p> <p>1 or -- 2 A. No. He just did not graduate high 3 school. 4 Q. And he went back and got his GED? 5 A. Went back and got his GED. That is 14:40:03 6 correct. 7 Q. So he went back, got his diploma, 8 came back in, and your issue is that he wasn't 9 put into the right position? 10 A. Right. And there was a mentioning 14:40:12 11 of a CE something, certification, that you had 12 to have to work on the cars. 13 Q. Okay. 14 A. As far as Best Buy's policy, you 15 had to have your certifications to work on the 14:40:22 16 cars, which Terrance didn't have, okay? But 17 there was a white male that we brought aboard 18 that did not have a certification that worked 19 out there in the install bay. And during his 20 course of working out there in the install bay, 14:40:38 21 that he took his test to go with that -- 22 Q. Okay. 23 A. -- but -- 24 Q. I guess I'm just confused on Mark 25 brings him in, you thought he brought him in 14:40:48</p>	<p style="text-align: right;">Page 149</p> <p>1 Mark want to put him where he's most qualified 2 to help the customer? 3 A. That was the same question that I 4 had, was asking of Mark. 5 Q. Okay. 14:42:00 6 A. That was the same question I had 7 for Mark. 8 Q. And he said that I want him on the 9 sale floor? 10 A. No. He just put him on the sales 14:42:05 11 floor. 12 Q. And so you have no idea -- I mean, 13 why it would be he hired this gentleman? 14 A. Right. Right. So seeing that you 15 yourself, I myself, starts asking questions 14:42:17 16 like why, why is -- what's the issue of this 17 guy not working out there in the bay, you know, 18 where he has the knowledge and stuff. Why is 19 he put in the situation that he's not 20 comfortable with. 14:42:29 21 Q. And from what you said, his 22 knowledge was working at home on radio 23 installs? 24 A. Yeah. He did installs and stuff 25 like that. 14:42:35</p>

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<p style="text-align: right;">Page 150</p> <p>1 Q. At his home?</p> <p>2 A. Right. Now --</p> <p>3 Q. Wait, wait. At home he did some</p> <p>4 installs on his radios and cars?</p> <p>5 A. Yeah. He did car installs for 14:42:42</p> <p>6 other people, right there at his house.</p> <p>7 Q. But he didn't have any --</p> <p>8 A. Any certificates or stuff like</p> <p>9 that. He just knew how to install TVs --</p> <p>10 Q. And he put him on sales selling 14:42:53</p> <p>11 those things that he should know about since he</p> <p>12 knew how to install, right?</p> <p>13 A. What was that again?</p> <p>14 Q. Put him on the sales floor selling</p> <p>15 the very things he wanted to install? 14:42:59</p> <p>16 MS. ROWLES: Objection. Go ahead.</p> <p>17 A. That's incorrect. Because you</p> <p>18 could know how to install something, and this</p> <p>19 even happens with my PC technicians, where you</p> <p>20 can't talk to somebody and explain to them the 14:43:10</p> <p>21 feature of this benefit and this and that, but</p> <p>22 alls you know how to do is repair and do</p> <p>23 installs all day.</p> <p>24 Q. Okay. So is that -- that's --</p> <p>25 you're just upset that Terrance wasn't put into 14:43:22</p>	<p style="text-align: right;">Page 152</p> <p>1 Q. You don't know if Terrance's</p> <p>2 girlfriend would have been a good employee or</p> <p>3 not?</p> <p>4 A. I've spoke with the lady. She came</p> <p>5 in, even with their kid and everybody, I felt 14:44:27</p> <p>6 she would have been a good employee. She was</p> <p>7 easy to talk to and she spoke very well.</p> <p>8 Q. But you said Terrance didn't do</p> <p>9 well at selling these --</p> <p>10 A. No. He did not do too well 14:44:38</p> <p>11 selling.</p> <p>12 Q. So Terrance didn't do too well</p> <p>13 selling. Why would Mark decide, well, I'll</p> <p>14 hire your girlfriend as well. I don't -- why</p> <p>15 do you conclude that? 14:44:49</p> <p>16 A. No. Mark told me that he doesn't</p> <p>17 hire couples. We don't hire couples. We don't</p> <p>18 hire couple at our store was what Mark told me</p> <p>19 that we don't do.</p> <p>20 Q. And you say but there was a white 14:45:02</p> <p>21 couple that was hired?</p> <p>22 A. Yeah. And there was a female that</p> <p>23 worked in the store that actually stole</p> <p>24 something that we had to let go, and it was her</p> <p>25 boyfriend that we allowed to come in work at 14:45:16</p>
<p style="text-align: right;">Page 151</p> <p>1 the position that Terrance wanted?</p> <p>2 MS. ROWLES: Objection. Go ahead.</p> <p>3 A. I had question of why he was not</p> <p>4 placed in the position that he had applied for.</p> <p>5 And when there was a mention of a car audio 14:43:34</p> <p>6 certification, why is it -- one, why is it that</p> <p>7 any other people that we've hired that was of</p> <p>8 white race that we've hired, and we said, hey,</p> <p>9 this was what we're going to make you, we made</p> <p>10 them that, but when I came to Terrance's case. 14:43:52</p> <p>11 that didn't happen. And then when it came to</p> <p>12 the fact the excuse was, well, there's a</p> <p>13 certification that he needs to have, or</p> <p>14 whatever, and that's why he's not back there</p> <p>15 because he's not certified, but then we allow. 14:44:01</p> <p>16 again, a white male back there forever and a</p> <p>17 day to work in the install bay and do all those</p> <p>18 installs and not have a certification, yes, I</p> <p>19 question that.</p> <p>20 Q. And it was Terrance's -- 14:44:10</p> <p>21 A. I had concerns.</p> <p>22 Q. -- girlfriend that you think should</p> <p>23 have been hired?</p> <p>24 A. No. She was not even allowed to</p> <p>25 apply for a job. 14:44:20</p>	<p style="text-align: right;">Page 153.</p> <p>1 the store. They were a couple.</p> <p>2 Q. So she still wasn't still working</p> <p>3 when the boyfriend came onboard?</p> <p>4 A. Yeah. She was still working.</p> <p>5 Because they would go to lunch together, they 14:45:27</p> <p>6 would be in the break room together, they would</p> <p>7 be holding hands as they're walking out and</p> <p>8 everything.</p> <p>9 Q. But she didn't steal before he was</p> <p>10 hired then? 14:45:32</p> <p>11 A. No. This was after the fact.</p> <p>12 Q. Was she a good employee before the</p> <p>13 theft?</p> <p>14 A. I did not work too much with her.</p> <p>15 But from talking to her, yeah, she was a fine 14:45:40</p> <p>16 employee. I didn't have any issues with her.</p> <p>17 Q. And I'm assuming a lot of times</p> <p>18 your subordinates say, hey, I have a friend who</p> <p>19 you should hire, that kind of stuff?</p> <p>20 A. You said my -- no. 14:45:52</p> <p>21 Q. Nobody ever came in --</p> <p>22 A. Said, hey, you should bring --</p> <p>23 Q. -- I got a friend who would really</p> <p>24 like to work and do it?</p> <p>25 A. No. And honestly, even in talking 14:46:02</p>

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<p style="text-align: right;">Page 154</p> <p>1 with somebody on that level. I would not --</p> <p>2 I've only know -- I didn't know too many people</p> <p>3 in Ohio to begin with.</p> <p>4 Q. I'm talking about your</p> <p>5 subordinates. You've never had a subordinate 14:46:14</p> <p>6 come up to you and say, hey, you know, I'm in</p> <p>7 college. I got a friend who really needs a</p> <p>8 job --</p> <p>9 A. No.</p> <p>10 Q. You never had -- 14:46:19</p> <p>11 A. Mark's never came up to me --</p> <p>12 Q. I'm not talking about Mark. I'm</p> <p>13 talking about one of your subordinates, someone</p> <p>14 you're supervising.</p> <p>15 A. Right. 14:46:27</p> <p>16 Q. You're supervising me.</p> <p>17 A. I see what you're saying.</p> <p>18 Q. Nobody ever came up to you and</p> <p>19 said, hey, would you interview my friend --</p> <p>20 A. No. 14:46:36</p> <p>21 Q. -- for a job?</p> <p>22 A. No.</p> <p>23 Q. Never. Okay. So did we talk about</p> <p>24 all your issues with Mark Rankin?</p> <p>25 A. Yes. 14:46:43</p>	<p style="text-align: right;">Page 156</p> <p>1 say, hey, wouldn't you like to go out with her.</p> <p>2 or anything like that?</p> <p>3 A. No, sir.</p> <p>4 Q. Never --</p> <p>5 A. Never. Not once. 14:47:56</p> <p>6 Q. Never commented did you see that</p> <p>7 girl over there, she looks great?</p> <p>8 A. Never. Not once.</p> <p>9 Q. So is that the only thing Todd said</p> <p>10 to you about -- 14:48:05</p> <p>11 A. Yes. That's the only thing.</p> <p>12 Q. Is that the only person who ever</p> <p>13 said anything racist to you?</p> <p>14 A. Yes, sir.</p> <p>15 Q. Okay. And those comments weren't 14:48:12</p> <p>16 directed to you, they weren't saying that --</p> <p>17 A. It was just in general. I'd be</p> <p>18 standing there, he'd say, Mike, there's a</p> <p>19 customer and --</p> <p>20 Q. Okay. So it comes to the point 14:48:21</p> <p>21 where I think you had told me -- when did you</p> <p>22 first learn that Best Buy believed that you had</p> <p>23 violated its policies and were potentially</p> <p>24 going to be terminated?</p> <p>25 A. On the day that they let me go. 14:48:37</p>
<p style="text-align: right;">Page 155</p> <p>1 Q. And Mark never at Mayfield and</p> <p>2 Macedonia, he never made any racist comments to</p> <p>3 you?</p> <p>4 A. At the Mayfield location, no.</p> <p>5 Q. And at the? 14:46:54</p> <p>6 A. And at the Macedonia location, no.</p> <p>7 Q. And did anybody in Mayfield and</p> <p>8 Macedonia, during your employment in Mayfield</p> <p>9 and Macedonia, did any Best Buy employees make</p> <p>10 any racist comments to you? 14:47:04</p> <p>11 A. Yes. Todd Scaleric. You know, it</p> <p>12 would be the black females coming in, he would</p> <p>13 comment -- I wouldn't say anything. He would</p> <p>14 be like, you know, the sisters have a fat</p> <p>15 whatever, or what have you -- this is Todd 14:47:21</p> <p>16 Scaleric. Any time one of them came in there,</p> <p>17 this was a comment that would come out of his</p> <p>18 mouth.</p> <p>19 Q. Tell us what the comment was.</p> <p>20 A. She has a fat ass, or the sisters 14:47:30</p> <p>21 are always thick or whatever. Or, Mike, is</p> <p>22 that too much butt for you, or whatever, was</p> <p>23 what Todd Scaleric was saying.</p> <p>24 Q. Did Todd say things about white</p> <p>25 customers as well, maybe not derogatory, but 14:47:49</p>	<p style="text-align: right;">Page 157</p> <p>1 Q. Okay. So you learned when who, who</p> <p>2 came in and -- who pulled you or told you, hey,</p> <p>3 we need to talk to you.</p> <p>4 A. Mark.</p> <p>5 Q. Mark Rankin? 14:48:51</p> <p>6 A. Yes, sir.</p> <p>7 Q. Was anybody with Mark?</p> <p>8 A. What is the guy's name. Collins.</p> <p>9 Q. Tim Collins?</p> <p>10 A. Yes, sir. 14:49:00</p> <p>11 Q. Those are the only two who were</p> <p>12 there?</p> <p>13 A. That's the only two that was</p> <p>14 present.</p> <p>15 Q. Did you know Tim Collins before 14:49:04</p> <p>16 this day?</p> <p>17 A. I knew of him, but did not know</p> <p>18 him. And, actually, before that day, I had a</p> <p>19 very bad interaction with him before that day</p> <p>20 here came about. 14:49:17</p> <p>21 Q. What was that? What was your</p> <p>22 interaction?</p> <p>23 A. I was the only manager in the</p> <p>24 building at that day. Tim came in into the</p> <p>25 store, and I felt like -- he was talking about 14:49:25</p>

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<p style="text-align: right;">Page 162</p> <p>1 Q. Where did you meet with him?</p> <p>2 A. We went back to where we have our</p> <p>3 managers meetings at, the back room.</p> <p>4 Q. And Mr. Collins was there?</p> <p>5 A. Right. 15:03:15</p> <p>6 Q. No one else was there?</p> <p>7 A. Mark.</p> <p>8 Q. Mark and Tim. Okay. And what did</p> <p>9 they talk to you about?</p> <p>10 A. We talked about a computer. 15:03:24</p> <p>11 Q. Okay. And what about it?</p> <p>12 A. It was basically about -- no, Tim</p> <p>13 was talking about, Tim spent a good amount of</p> <p>14 time explaining what it was that he does with</p> <p>15 Best Buy and things like that. Mark wasn't 15:03:41</p> <p>16 speaking at all. Tim had asked about why,</p> <p>17 first of all, like why I had took a computer,</p> <p>18 placed it up front and set it to the side, is</p> <p>19 that something that we do, or what have you. I</p> <p>20 said yes. I was putting it on hold because I 15:04:03</p> <p>21 was going to purchase it later.</p> <p>22 Q. How long was it set aside?</p> <p>23 A. It was set aside since Sunday.</p> <p>24 Q. How many days?</p> <p>25 A. Since that Sunday. From that 15:04:16</p>	<p style="text-align: right;">Page 164</p> <p>1 it back Devo, because it was one of our</p> <p>2 discontinued computers. So Tim was questioning</p> <p>3 not only why did I put it to the side, but why</p> <p>4 would I switch it out like that, and why am I</p> <p>5 sending it back to Devo. And my response to 15:05:23</p> <p>6 him was that it was a discontinued computer.</p> <p>7 We had an employee sale on discontinued items,</p> <p>8 which your manager had to sign off on.</p> <p>9 So the reason why I didn't even</p> <p>10 charge it, because I could have bought it on 15:05:37</p> <p>11 the Sunday, but I had to wait for Mark to get</p> <p>12 approved. I had even called Mark and told him,</p> <p>13 hey, there's going to be a computer up front</p> <p>14 sitting up there that I'm going to want to</p> <p>15 purchase, or whatever. that's for me. 15:05:50</p> <p>16 Q. Was it a new computer or used?</p> <p>17 A. The computer that I put up there</p> <p>18 has never been opened, but it was a</p> <p>19 discontinued computer.</p> <p>20 Q. So you're saying it was a new 15:06:00</p> <p>21 computer?</p> <p>22 A. Right.</p> <p>23 - - - - -</p> <p>24 (Thereupon, Defendant's Deposition</p> <p>25 Exhibit I was marked for purposes of</p>
<p style="text-align: right;">Page 163</p> <p>1 Sunday to whatever, I'm not too sure. At this</p> <p>2 time I can't even recall what day it was that</p> <p>3 they let me go.</p> <p>4 Q. More than one day?</p> <p>5 A. Yes. More than one day. 15:04:28</p> <p>6 Q. If you were going to charge it, why</p> <p>7 not just charge it --</p> <p>8 A. I had to wait for Mark Rankin's</p> <p>9 approval before I could purchase it.</p> <p>10 Q. So you hadn't purchased it prior to 15:04:38</p> <p>11 the meeting?</p> <p>12 A. That is correct.</p> <p>13 Q. So the computer is just sitting</p> <p>14 there and you didn't --</p> <p>15 A. To the side. That is correct. 15:04:43</p> <p>16 Q. And you didn't purchase it?</p> <p>17 A. That is correct.</p> <p>18 Q. Okay. So go on. What else did</p> <p>19 they talk to you about?</p> <p>20 A. Then towards the -- basically the 15:04:51</p> <p>21 conversation was why I had placed the computer</p> <p>22 to the side. And then second of all, I had</p> <p>23 took a computer, took it out of a box, put one</p> <p>24 that was on the display in a box and instructed</p> <p>25 one of the girls up front to go ahead and send 15:05:07</p>	<p style="text-align: right;">Page 165</p> <p>1 identification.)</p> <p>2 - - - - -</p> <p>3 Q. Handing you what's been marked</p> <p>4 assist Defendant's Exhibit I, have you seen</p> <p>5 that before today? 15:06:44</p> <p>6 A. Today, no.</p> <p>7 Q. What is this?</p> <p>8 A. This is a copy of one of our CPOs.</p> <p>9 Q. What's a CPO?</p> <p>10 A. A CPO is kind of like, it's a bill, 15:06:54</p> <p>11 it's like a bill that you write up that needs</p> <p>12 to be rung out.</p> <p>13 Q. Okay. And do you recognize the</p> <p>14 skews and the HPs up there, what are those two</p> <p>15 things where we see the price \$549.99, what is 15:07:09</p> <p>16 that?</p> <p>17 A. That's a computer.</p> <p>18 Q. Okay. What kind?</p> <p>19 A. Hewlett Packard.</p> <p>20 Q. Is that what you had set aside? 15:07:16</p> <p>21 A. Yes. That's what I had set aside.</p> <p>22 Q. Okay. Why was there an invoice if</p> <p>23 you hadn't purchased it?</p> <p>24 A. Because I just wrote it up, and I</p> <p>25 was putting it away for myself. 15:07:27</p>

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<p style="text-align: right;">Page 166</p> <p>1 Q. So you wrote it up. So that was a 2 computer. What was below that, the HP -- 3 A. That was the monitor. 4 Q. Okay. 5 A. Right. 15:07:35 6 Q. Okay. And then special 7 instructions, is that your writing? 8 A. Yes. This is all my writing. 9 Q. So this whole thing was written by 10 you? 15:07:44 11 A. That is correct. 12 Q. And the special instructions, I see 13 here that says, what is that, open clearance 14 display? 15 A. Clearance display, open item, and 15:08:02 16 the regular price as \$1,129, missing the remote 17 control, open box price, \$715, clearance 18 display monitor no speakers, regular price is 19 \$449, open item price \$324.99. 20 Q. And so from \$324.99 to \$249, was 15:08:18 21 that the discount, employee discount, or how 22 did you get to that? 23 A. At this time I cannot recall how I 24 got to that cost. There was -- this is the one 25 that I was originally going to purchase. That 15:08:34</p>	<p style="text-align: right;">Page 168</p> <p>1 A. 324 -- which one is that -- I know 2 that during this week when I was looking at 3 buying this computer, they had something, 4 again, an additional certain percentage off of 5 whatever is discontinued. We had ran a 15:09:57 6 special. There was a sheet for that. 7 Q. So you're saying the next, the open 8 box price, I see \$714.99, and up top you put 9 \$549.99. Is that, again, the discount? 10 A. Yeah. So that should be with the. 15:10:11 11 I believe so, that should be with the discount. 12 Q. Now, this invoice, are you saying 13 this invoice was not what you set aside, that 14 you set aside something different? 15 A. No. The only thing that I had set 15:10:22 16 aside, I remember when I put the computer in a 17 cart or something, then I put my name in like 18 big old letters, "do not sell per Mike". 19 Q. Okay. Well, my question was this 20 invoice -- 15:10:38 21 A. Right. 22 Q. -- you wrote out, was this invoice 23 for what was set aside, and you said in big 24 letters do not sell? 25 A. No. Because this doesn't even have 15:10:44</p>
<p style="text-align: right;">Page 167</p> <p>1 was the one on display. And Drew had told me 2 that we had one that was newer in a box. So I 3 remember writing this. Where's the original? 4 Because the one that was in the box had 5 everything to it, the remote and everything. 15:08:52 6 Q. What was set aside, these things, 7 or -- 8 A. The one that I took out the box was 9 what I set aside. This right here, I don't 10 know, this is not something that I had like 15:09:02 11 gave to Mark or anything like that. 12 Q. When you wrote it out, who would 13 you have given it to? 14 A. Well, I would have gave it to Mark 15 had he been there. I would have gave it to 15:09:13 16 Mark. 17 Q. How did Best Buy come in possession 18 of this? 19 A. This, I do not know. 20 Q. Okay. Did you give it to one of 15:09:24 21 the cashiers? 22 A. No, sir. 23 Q. So my question to you though was, 24 how you got to the open item price of \$324.99, 25 and up top it says \$249.99? 15:09:33</p>	<p style="text-align: right;">Page 169</p> <p>1 that written on there. This doesn't have this 2 written on there at all. 3 Q. Well, you're saying something would 4 have been written on here "do not sell"? 5 A. Yeah. "Do not sell per Mike". 15:10:55 6 Q. On the invoice as well? 7 A. On the invoice as well. 8 Q. So you think there was another 9 invoice that you wrote it? 10 A. Yeah. There should be another 15:11:02 11 invoice out there. I don't know how you guys 12 got this. 13 Q. So you don't think this is the 14 right invoice? 15 A. No. 15:11:11 16 Q. What was different about what you 17 put out than what is written on here? 18 A. At this time I can't think of. But 19 I know, like, as far as it missing the remote 20 control and things like that, that wasn't on 15:11:22 21 there because I was getting everything newer, 22 where it had everything. 23 Q. Okay. So what you set aside 24 actually had the remote control and other 25 things in it? 15:11:34</p>

43 (Pages 166 to 169)



<p style="text-align: right;">Page 170</p> <p>1 A. Yes, sir. That is correct.</p> <p>2 Q. Is the only reason why you think</p> <p>3 this is a different invoice is because it's not</p> <p>4 written on there "do not sell per Mike"?</p> <p>5 A. Yeah. I don't see the part where I 15:11:44</p> <p>6 put "do not sell per Mike".</p> <p>7 Q. Would you maybe have put it on a</p> <p>8 different piece of paper versus the invoice</p> <p>9 itself?</p> <p>10 A. No. I'm sure I would have wrote 15:11:53</p> <p>11 that on top.</p> <p>12 Q. So what you put aside -- now, let</p> <p>13 me ask you about this open box. What's that</p> <p>14 mean?</p> <p>15 A. Open box, it was the term that they 15:12:00</p> <p>16 use for like a display model. Or in your</p> <p>17 concerns that somebody returns something, if we</p> <p>18 take it out of the box and resell it, that can</p> <p>19 be considered all open box. I mean, there's no</p> <p>20 box, it's an open box. 15:12:19</p> <p>21 Q. Was there a different discount on</p> <p>22 whether the computer was new or used?</p> <p>23 A. No. I should have received the</p> <p>24 same discount, would have got the same price.</p> <p>25 Q. Whether it had been used by a 15:12:29</p>	<p style="text-align: right;">Page 172</p> <p>1 He looked up at Mark. I remember Mark sliding</p> <p>2 a piece of paper which reassembled one of our</p> <p>3 write-up forms, separation notice type thing.</p> <p>4 And I remember seeing something like attempted</p> <p>5 to take computer. And I was like what are you 15:13:54</p> <p>6 trying -- I didn't even get to read it all. I</p> <p>7 was like what are you trying to say I was</p> <p>8 trying to steal the computer, or what have you.</p> <p>9 Tim grabs the paper, reads it, and I remember</p> <p>10 him saying like, yeah, that's not right, and he 15:14:06</p> <p>11 starts crumbling up.</p> <p>12 And at the time, that's when I got</p> <p>13 on my cell phone to make a phone call. Tim was</p> <p>14 saying you need to get off your phone so we can</p> <p>15 handle this, or what have you. I'm on the 15:14:15</p> <p>16 phone. Mark is rewriting something out on</p> <p>17 another separation notice. And I'm like I'm on</p> <p>18 the phone, let me see it. He's like no, you</p> <p>19 ain't going to be able to see it until you got</p> <p>20 off the phone. So then it became into one of 15:14:28</p> <p>21 those contests.</p> <p>22 The last thing I heard come from</p> <p>23 Tim was something in the form of Tim, or Mike,</p> <p>24 you know, don't you have your son, and you got</p> <p>25 that baby on the way, I should hate for 15:14:44</p>
<p style="text-align: right;">Page 171</p> <p>1 customer or not?</p> <p>2 A. Had it been used or anything. That</p> <p>3 is correct.</p> <p>4 Q. That's in your view?</p> <p>5 A. In my view. That is correct. 15:12:34</p> <p>6 Q. Okay. What else did Tim and Mark</p> <p>7 say to you?</p> <p>8 A. Tim was asking me about why would I</p> <p>9 send something back to the vendor like that.</p> <p>10 And my response was that, well, that was 15:12:55</p> <p>11 something that we have always done. And I</p> <p>12 remember turning at the time, turning, looking</p> <p>13 at Mark when I made that statement, and he</p> <p>14 asked me, well, there's nothing wrong with it</p> <p>15 and stuff, so why would you send it back. And 15:13:10</p> <p>16 I was like, well, a lot of our stuff that was</p> <p>17 bad as far as margin, we sent back. I mean,</p> <p>18 even if it was never opened, we would send</p> <p>19 back. That's what Mark would have us do, or</p> <p>20 what have you. 15:13:23</p> <p>21 And then I remember there was a</p> <p>22 pause, and I had asked Tim, I was like, so</p> <p>23 where are we going from here, what are you</p> <p>24 getting at, what's going on. And he's like,</p> <p>25 well, I'm not the person to make that decision. 15:13:37</p>	<p style="text-align: right;">Page 173</p> <p>1 something legally to happen to you in the</p> <p>2 future where you cannot be with your family.</p> <p>3 That was the very last thing that he said to</p> <p>4 me.</p> <p>5 Q. Who are you talking to on the 15:14:53</p> <p>6 phone?</p> <p>7 A. On the phone, I was actually</p> <p>8 talking to Wayne. I was trying to call my</p> <p>9 attorney, then I called Wayne.</p> <p>10 Q. You called Wayne. Why did you call 15:15:02</p> <p>11 Wayne?</p> <p>12 A. Because I was explaining to him</p> <p>13 what was going on, what was happening. I was</p> <p>14 already uncomfortable with Mark. I just didn't</p> <p>15 know who to call, because I felt like I was 15:15:14</p> <p>16 being cornered, or what have you. I honestly</p> <p>17 had told Tim that I was on the phone, you know,</p> <p>18 calling a lawyer, or what have you, and he's</p> <p>19 asking for lawyer IDs.</p> <p>20 Q. So did you tell Mark that you 15:15:29</p> <p>21 called a lawyer?</p> <p>22 A. I had told Tim.</p> <p>23 Q. You told Tim Collins that you had</p> <p>24 called a lawyer?</p> <p>25 A. Yes. 15:15:40</p>

44 (Pages 170 to 173)



<p style="text-align: right;">Page 174</p> <p>1 Q. But you actually hadn't called a 2 lawyer? 3 A. That is correct. 4 Q. Who was your lawyer at that time? 5 A. I actually didn't have any 15:15:45 6 attorneys. 7 Q. I thought you said you tried to 8 call your lawyer at first? 9 A. Oh, well, excuse me. I tried to 10 call -- I actually tried to reach my dad, who's 15:15:53 11 actually a regional manager for another 12 business to get some insight, but I couldn't 13 reach him. So I called Wayne after my dad 14 didn't pick up. But I told Tim that I'm on the 15 phone with my lawyer. 15:16:07 16 Q. Why did you tell Tim that? 17 A. Because, again, I felt like it was 18 them verse me. And then when he was like 19 asking me, like when I read attempted to take 20 computer, and then when he was asking me about 15:16:22 21 why are you sending it back. And here's the 22 guy that's sitting behind me that sends stuff 23 back all the time, and he's not speaking up 24 like, yeah, we send stuff like that back and 25 things like that, or what have you, and he's</p>	<p style="text-align: right;">Page 176</p> <p>1 testifying didn't make it any larger discount? 2 A. No. It didn't make it any larger 3 discount or anything. 4 Q. Okay. Do display computers have 5 what's referred to as a license plate? 15:17:49 6 A. Yes. 7 Q. What's a license plate? 8 A. A license plate just identifies 9 what the skew and the model number is. That's 10 what we use for send backs, because they scan 15:17:56 11 it, it's easy. You scan that and then it puts 12 all the information in there at one time. 13 Q. The license plate has a serial 14 number on it, right? 15 A. That I do not know. 15:18:07 16 Q. It doesn't match up with the 17 computer that it's attach to? 18 A. That I do not know. 19 Q. You don't know? 20 A. From my understanding, when you 15:18:14 21 scan a license plate, it popped up like the 22 skew and model number. Nothing with serial 23 numbers. That was briefly for like with 24 sending backs and everything, it made it easier 25 for us to scan with the license plate. 15:18:26</p>
<p style="text-align: right;">Page 175</p> <p>1 not saying anything, I felt cornered and 2 trapped, and I wanted to call somebody. 3 Q. Let me just ask you, on this 4 invoice it says clearance display open, right? 5 A. That is correct. 15:16:47 6 Q. Do display models get a bigger 7 discount than just a new opened item? 8 A. Just a new open item? No. They 9 get the same discount. The thing was that we 10 ran a special deal for employee discounts on 15:16:58 11 discontinued product, period. Discontinued 12 doesn't matter whether it was displayed out of 13 a box, just sitting on demo, or if the thing 14 was never opened and it was sealed. On our 15 discontinued stuff, we would put a big old seal 15:17:15 16 on there to let everybody know it was 17 discontinued. 18 Q. So the display, why did you write 19 display there? 20 A. Because it originally was, it was a 15:17:26 21 display. I was under the impression on Sunday 22 when I was looking at to see what all we had 23 back there, I was under the impression this was 24 the only one that we had. 25 Q. So it being a display, you're 15:17:36</p>	<p style="text-align: right;">Page 177</p> <p>1 Q. The license plate would identify 2 the computer it's attached to, right? 3 A. As that particular model, but it 4 wouldn't matter if it was like a -- to my 5 understanding, that like if it was one model 15:18:37 6 from another, it would still pop up as HP, 7 whatever that model is. 8 Q. So you don't know whether or not 9 the license plate actually identified the 10 specific computer it was attached to? 15:18:49 11 A. Specific computer, that I do not 12 know. 13 Q. Okay. Did you have a license plate 14 in the box that you put aside? 15 A. Did I have a license plate? 15:18:57 16 Q. Yes. For a display computer in the 17 box that you put over. 18 A. No. 19 Q. Did you switch a display computer 20 for a new computer? 15:19:07 21 A. Yes. 22 Q. You did do that? 23 A. For another discontinued computer 24 that was never opened. 25 Q. But you took -- did you switch the 15:19:15</p>

45 (Pages 174 to 177)

Michael Graham

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1 MR. CAMPBELL: Okay. So with that,  
 2 I'm assuming he's going to read? Is he going  
 3 to read the transcript?  
 4 MS. ROWLES: We usually advise  
 5 people to read the transcript and not waive 16:13:40  
 6 signature.  
 7 THE WITNESS: I will not waive  
 8 signature.  
 9 MR. CAMPBELL: Okay. Thanks a lot  
 10 for coming out, and we can close with these 16:13:51  
 11 discussions.  
 12 ~~~~~  
 13  
 14  
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 20  
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CERTIFICATE  
 of the State of Ohio, )  
 )  
 ) SS:  
 )  
 ) County of Cuyahoga. )  
 )  
 )  
 ) I, Todd L. Persson, a Notary Public  
 ) within and for the State of Ohio, duly  
 ) commissioned and qualified, do hereby certify  
 ) that the within named witness, MICHAEL GRAHAM,  
 ) was by me first duly sworn to testify the  
 ) truth, the whole truth and nothing but the  
 ) truth in the cause aforesaid; that the  
 ) testimony then given by the above-referenced  
 ) witness was by me reduced to stenotypy in the  
 ) presence of said witness; afterwards  
 ) transcribed, and that the foregoing is a true  
 ) and correct transcription of the testimony so  
 ) given by the above-referenced witness.  
 ) I do further certify that this  
 ) deposition was taken at the time and place in  
 ) the foregoing caption specified and was  
 ) completed without adjournment.  
 )  
 )  
 )  
 )  
 )

Page 228

1 I do further certify that I am not  
 2 a relative, counsel or attorney for either  
 3 party, or otherwise interested in the event of  
 4 this action.  
 5 IN WITNESS WHEREOF, I have hereunto  
 6 set my hand and affixed my seal of office at  
 7 Cleveland, Ohio, on this 19th day of  
 8 July, 2007.  
 9  
 10  
 11  
 12  
 13  
 14 Todd L. Persson  
 15 Todd L. Persson, Notary Public  
 16 within and for the State of Ohio  
 17 My commission expires July 28, 2007.  
 18  
 19  
 20  
 21  
 22  
 23  
 24  
 25

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1 SIGNATURE OF WITNESS  
 2  
 3  
 4  
 5  
 6 The deposition of MICHAEL GRAHAM,  
 7 taken in the matter, on the date, and at the  
 8 time and place set out on the title page  
 9 hereof.  
 10 It was requested that the  
 11 deposition be taken by the reporter and that  
 12 same be reduced to typewritten form.  
 13 It was agreed by and between  
 14 counsel and the parties that the Deponent will  
 15 read and sign the transcript of said  
 16 deposition.  
 17  
 18  
 19  
 20  
 21  
 22  
 23  
 24  
 25

58 (Pages 226 to 229)

**ERRATA SHEET**

**Deposition of Michael Graham • February 28, 2007**  
**Graham v. Best Buy Stores, L.P.**  
**Case No. 1:06CV2091**  
**United States District Court, Northern District of Ohio**

Page 62, Line 25      change, "Mayfield" to "Macedonia"

Reason: *Upon reading my deposition, I realized my answer was incorrect.*

Page 63, Line 2      change, "Mayfield" to "Macedonia"

Reason: *Upon reading my deposition, I realized my answer was incorrect.*

Page 64, Line 7      change, "Macedonia" to "Mayfield"

Reason: *Upon reading my deposition, I realized my answer was incorrect.*

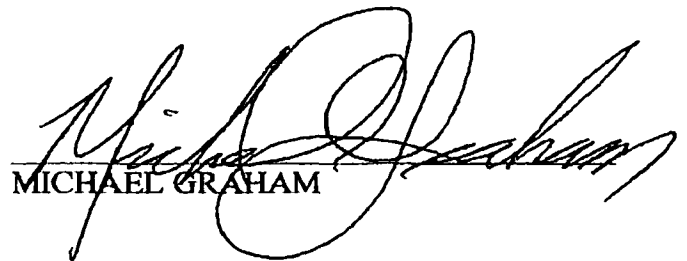
Page 134, Lines 15-17      change, "Right. And just like it was my opinion that I know we don't charge restocking fees for" to "That is not correct."

Reason: *Upon reading my deposition, I realized my answer was incorrect.*

Page 220, Line 4      change, "No." to "Yes."

Reason: *Upon reading my deposition, I realized my answer was incorrect.*

Date: 4/20/2007

  
MICHAEL GRAHAM